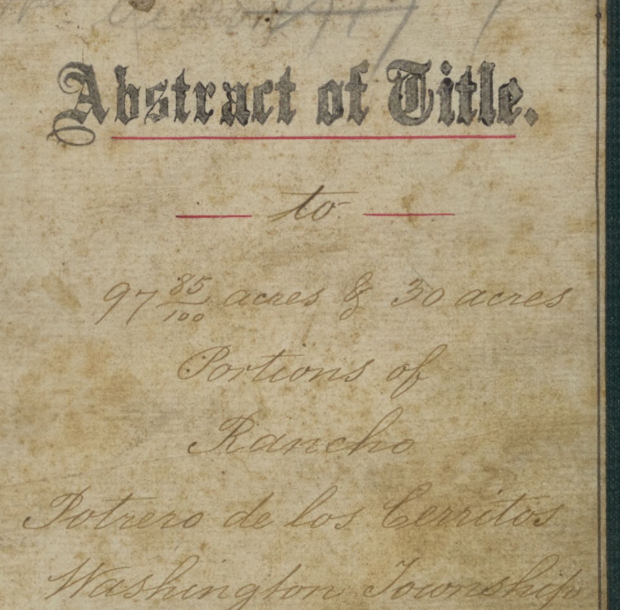
ABSTRACT
Mc Keown
Tract in Potrero de lo Cerritos
showing H C Smith Sq Mi.
Hiram Davis & Tompkins
1883



Abstract of Title.

— to —

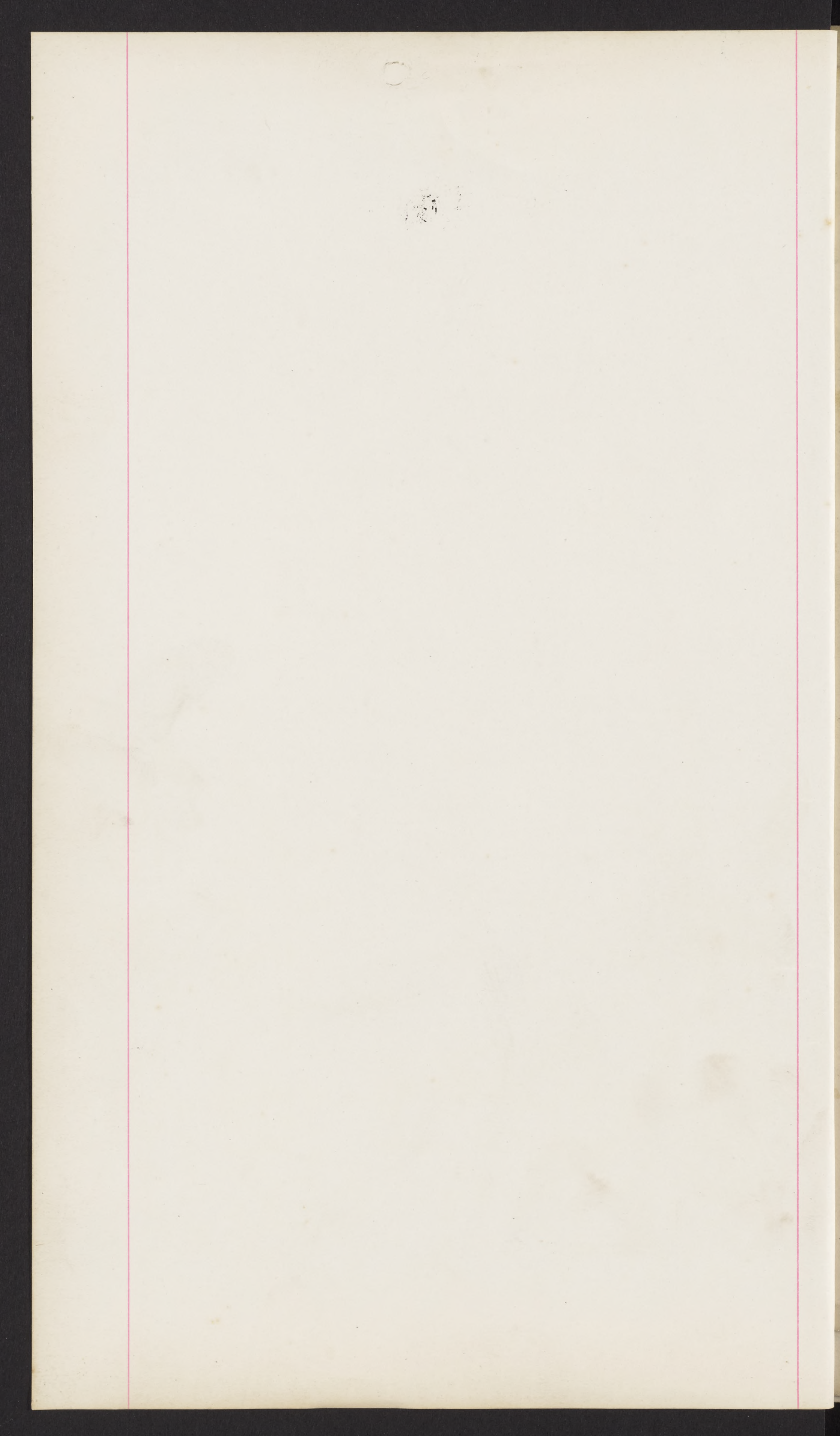
$97\frac{85}{100}$ acres & 30 acres
Portions of
Rancho
Potrero de los Cerritos
Washington Township
County of Alameda
State of California

— by —

G. W. McKEAND,
Searcher of Records,
S. E. Cor. 4th & Broadway Sts.
OAKLAND, CAL.

1996.3.3.1

G. W. McKEAND,
Searcher of Records,
S. E. Cor. 4th & Broadway Sts.
OAKLAND, CAL



Accompaniment

to

Abstract of Title.

relating to

Two tracts respectively containing 97 85/100 acres

and 30 acres portion of the Rancho Potrero de los Cerritos

Dated January 25. 1883.

by

G. W. McKeand.

1

2.

Accompaniment

to

Abstract of Title.

relating to

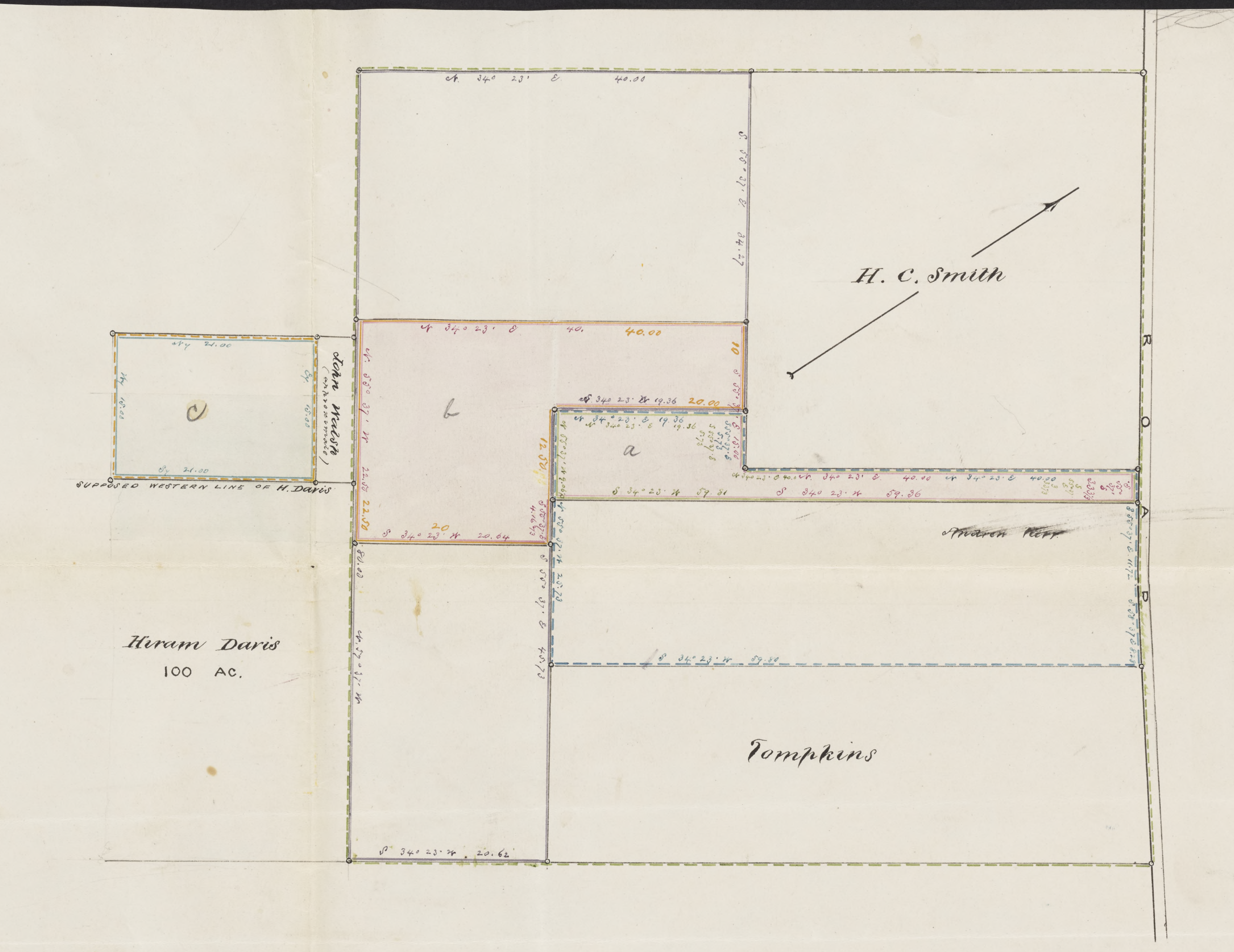
Two tracts respectively containing 97 85/100 acres

and 30 acres portion of the Rancho Potrero de los Cerritos

Dated January 25. 1883.

by

G. W. McKeand.



Purple lines and tinting represent the firstly described parcel of the premises under search.

Blue lines and tinting represent the secondly described parcel of the premises under search.

The dotted green lines represent the mile square tract, see Liber D of Deeds, 621 at page 19

The dotted blue lines represent the 130 acre tract set off to W. Smith in the partition suit by Tompkins

Violet lines represent the 231 $\frac{37}{100}$ acres set off to H. P. Jones as per Decree in the partition suit by Tompkins

Green lines represent Liber H of Deeds, 367 at page 95 hereof

Yellow lines represent Liber E of Deeds, 228 at page 97 hereof

Dotted Yellow lines represent Liber L of Deeds, 169 at page 103 hereof

For tract marked H. C. Smith see E of Deeds, 113, at page 37 hereof

For tract marked Tompkins see tract set off to Tompkins in partition suit

For tract marked Hiram Davis see E of Deeds, 126, at page 105 hereof

For tract marked John Walsh see J of Deeds, 436 at page 107 hereof

[illegible]

as an accompaniment to abstract of title dated Jany 25/83

G. W. McKEAND,
Searcher of Records,
S. E. Cor. 4th & Broadway Sts.
OAKLAND, CAL

Memorandum

accompanying Abstract of Title to portion of the Rancho de los Cerritos

A Map illustrative of the Abstract of Title is in preparation, and will follow shortly, but the verbal notes therein will be found sufficient for the immediate use of counsel in its examination

The descriptions prefacing the Abstract of Title are framed without reference to the various conveyances, and the lengths of the lines therein will be seen to vary from those in the two Deeds of acquisition by Chinmark, those descriptions adopted by me encompass all the land to which Chinmark can claim title, the actual areas of them being 95 27/100 acres, and 31 50/100 acres instead of 97 85/100 & 30 acres more or less as in the Chinmark Deeds.

I direct attention to the confusion of the names of "Andrew Herr" and "Andrew Kerr", the right name being "Andrew Kerr" as shown at page 143 of the Abstract, the erroneous name appearing in the Deed (Campbell to Chinmark) shown at page 137 thereof, where it is sought by reference to that name,

to establish the point of commencement. Although the name is written in the record as "Andrew Herr" it will be seen by reference to the original deed which is presented herewith, that a close scrutiny suggests a suspicion that "Kerr" was really intended to be written by the maker of the Deed.

In the Decree of Distribution at page 173 it is written "Herr", as also in other places. In those descriptions at pages 137 & 173 and other places the last course is given as "3.13 chains" instead of 3.33 1/3 chains, this being of course an immaterial variation occurring as it does in the last course, and I only refer to it as apparently diminishing the Road frontage, without this explanation

The Map will demonstrate this & other points very clearly but in the meantime counsel has abundant material for examination without it, and Mr McKeown will no doubt be here on to day (Saturday to transact the business

G. W. McKeand

Report.

G. W. McKEAND,
Searcher of Records,
S. E. Cor. 4th & Broadway Sts.
OAKLAND, CAL.

Abstract of Title.

— to —

Those two parcels or tracts of land situated in the Township of Washington, County of Alameda and State of California, respectively bounded and described as follows, towit:

First: Commencing at the North Eastern corner of the 160 acre tract described in the Deed from W. C. Jones et al. to H. C. Smith, bearing date September 2. 1852, of record in Liber E of Deeds at page 113 et seq. in the County Recorder's office of Santa Clara County; and running thence South 55° 37' East, along the Southern line of the Road from Alvarado to the Mission San Jose, three chains thirty three and one third links; thence South 34° 23' West fifty nine chains and thirty six links; thence South 55° 37' East four chains sixteen and two thirds links; thence South 34° 23' West twenty chains and sixty four links to the Southern line of the one mile square tract pur-

chased by Jones, Tompkins & Strode from A. Alviso & Thomas Pacheco; thence North 55° 37' West, along the Southern line of the said tract, twenty two chains and fifty links; thence North 34° 23' East forty chains, thence South 55° 37' East fifteen chains and thence North 34° 23' East forty chains to the place of beginning: Containing 95 27/100 acres.

Second: Commencing at the most Westerly corner of the parcel of land described in the Deed from H. P. Jones to John Walsh, bearing date July 27, 1860, of record in Liber J of Deeds at page 436 et seq. in the County Recorder's office of said Alameda County; and running thence Easterly, along the Southern line of said tract fifteen chains to the Western line of the lands now or formerly of Hiram Davis; thence at a right angle Southerly along the said lands twenty one chains; thence at a right angle Westerly fifteen chains; and thence at a right angle Northerly twenty one chains to the place of beginning:

Containing 30 acres more or less.
The aforesaid two tracts being portions of the Rancho Potrero de los Cerritos,

— Compiled —

from the County records of Santa Clara and Alameda Counties (within the limits of the former of which the premises in question were at one time comprehended.)

— by —
G. W. McKeand
Searcher of Records for Alameda County
— at —
Oakland

G. W. McKEAND,
Searcher of Records,
S. E. Cor. 4th & Broadway Sts.
OAKLAND, CAL.


SEARCHER OF RECORDS,
G.W. McKEAND

Map Accompaniment

detached from this Abstract.



Contents

Contents


SEARCHER OF RECORDS,
G.W. McKEAND

Contents

Contents

[illegible signature]



The United States of America
— To —
Thomas Pacheco
— and —
Augustin Alviso

Patent

Dated February 21. 1866

Recites: That Thomas Pacheco & Augustin Alviso as claimants filed their petition on May 31. 1853 with the Commissioners to ascertain & settle the private land claims in the State of California in which they claimed the confirmation of their title to a tract of land Known as the Rancho Potrero de los Cerritos, containing three square leagues said claim being founded on a Mexican grant to the petitioners made in 1842 by Alvarado.

That on February 14. 1854. The said Board of Land Commissioners rendered a Decree of Confirmation in favor of Claimants &c.

That upon appeal to the District Court of the United States for the Northern District of California on October 29. 1855

That &c at the December 1859 term of the

Supreme Court, the decree of the District Court court was affirmed.

That at the December 1864 term of the Supreme Court the Decree of the District Court of the United States for the Northern District of California approving the Survey was affirmed

Then follows plat and field Notes of the Survey.

Now &c. The United States of America in consideration of the premises and pursuant to the provisions of the act of Congress of March 3. 1851 have given and granted, and by these presents do give and grant unto the said Thomas Pacheco and Augustin Alviso, and to their heirs the tract of land embraced and described as in the foregoing Survey, but with the Stipulation that in virtue of the 15th Section of the said act the Confirmation of this claim and this patent shall not affect the interest of third persons.

To have &c

In testimony &c.

By the President
Andrew Johnson
by E. D. Neill, Secretary

Seal of General Land Office

Martin Buell, acting Recorder of the
General Land Office, ad interim

Recorded March 27. 1866

in Liber A of Patents. 198
Alameda County

A. Alviso
W. Cary Jones

Translation into English
— of —
An Instrument written in
the Spanish language

"Today the second agreement was entered into between Mess Augustin Alviso and Wm Cary Jones. Mr. Augustin Alviso sells to Wm Cary Jones the portion belonging to him of the Rancho Los Cerritos with the wild mares, sheep, cows and buildings.
Mr Wm Cary Jones binds himself to pay Mr Augustin Alviso the sum of $50.000. Gold Coin for the above property payable on the 15th day of April 1853. Mr Augustino Alviso will not deliver possession of the land and other property until he has received the said sum. Mr Augustin Alviso may deliver possession of the land before that time, under the said condition; both parties having agreed in the foregoing

agreement, they sign this as follows.
Rancho de los Serretos August 16. 1852 "
"Augustin + Alviso
W. Cary Jones "

Witnesses:
Adoffo Sellmann
Filipe Sdela Puerile

Acknowledged October 18. 1852
by W. C. Jones
— and —
Proven October 18. 1852
by the oath of A. Sellman, one of
the subscribing witnesses
as to execution by Augustin Alviso
before J. M. Murphy
County Recorder
Santa Clara County

Recorded October 18. 1852
at 11 o'clock A. M.
in Liber E of Deeds, 192
Santa Clara County

Augustin Alviso
W. Carey Jones
C. B. Strode

Translation into English
— of —
The Instrument written in
the Spanish language

"Wm Cary Jones having entered into an agreement with Don Agustin Alviso to purchase of the one half of the Rancho Los Serretos, and Don Chas. B. Strode to purchase the other portion of Don Tomas Pacheco, and having said Alviso and Jones nullified their contract for a certain piece of land as described below, and having said Strode and Alviso agreed upon a division of said Rcho, it is agreed by this Contract said Strode will have of the portion purchased from Don Tomas Pacheco all the land situated Northerly of the ditch that runs by the house of Tomas Pacheco; the lines are as follows: From

the Arroyo de la Alameda following the ditch to the Sausal (willow thicket or grove) where it ends; thence to Sausal point in the direction to Union City; from Sausal point in direction of Union City; from this Sausal point in the direction to the nearest high hills; thence along said hills to the bay at the mouth of Arroyo de la Alameda and up said Arroyo to the place of commencement on said Arroyo. Said Alviso has all the land situated to the South of said ditch including the hills of said Strode's portion. Two tracts of land have been heretofore conveyed, one to H. C. Smith and another to Jones; Tompkins & Strode. Of the portion belonging to Don Augustin Alviso he grants and sells to said Wm Cary Jones in consideration of nullifying the contract of sale dated Aug 16th 52. Also for the sheep and wild mares, the following described piece of land: All the land lying between said ditch and the South line of said Rcho, and the Road from Union City to the Mission San Jose and the Alameda Creek. Also the piece of land Known as Potrerito (small field)

now occupied by L. S. Beard situated between the house of said Alviso and the bay, being the portion that is enclosed by said Beard. These presents letters answer instead of a contract by the said parties.

In Witness Whereof these presents are signed and sealed with their names and seals."

"Sept. 30th. 1852."

C. B. Strode (seal)

Augustin his x mark Alviso (seal)

Wm Carey Jones (seal)
by C. B. Strode

Acknowledged September 30. 1852

["personally appeared before me the Recorder &c. C. B. Strode Attorney for W. C. Jones and for himself, and Augustin Alviso both personally known to me to be the persons described in the foregoing instrument and who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes mentioned therein"]

before J. M. Murphy
County Recorder
Santa Clara County

Recorded October 1. 1852

at 10 o'clock A. M.
in Liber E of Deeds, 233
Santa Clara County

Suf. P. of Atty. appears

Sufficient Power of Attorney last referred to from W. Carey Jones to Charles B. Strode dated September 15. 1852 appears of record in Liber E of Deeds at p. 180.

Augustin Alviso
W. Carey Jones
C. B. Strode

Translation into English
— of —
The Instrument written in
the Spanish language

[Same as in the record in Liber E of Deeds, 233, Santa Clara County, shown at page 5 hereof]

Certificate by John M. Murphy, County Recorder of Santa Clara County that the following is a true copy of an original now on file in his office.

Acknowledged September 30, 1857

["personally appeared" &c. "C. B. Strode Attorney for Wm C. Jones and for himself, and Augustin Alviso, all personally known to me to be the persons described in the

foregoing instrument, and
who acknowledged to me that
they executed the same freely
and voluntarily and for the
uses and purposes therein
mentioned"]

before J. M. Murphy
County Recorder of
Santa Clara County

"Certified to be a true copy of the Acknowledgment taken by me September 30, 1852.

" John M. Murphy
County Recorder."

Recorded December 18, 1856
in Liber F of Deeds, 151

Thomas Pacheco
— to —
C. B. Strode

Translation into English
— of —
An Instrument written in the
Spanish Language

Same Translation as of record in Liber F. of Deeds 62 shown on page 13 hereof.

Acknowledged Octr 14. 1852
before John K. Hackett, N.P.
San Francisco County

Recorded November 13. 1852
in Liber E. of Deeds, 213
Santa Clara County

Thomas Pacheco
— To —
C. B. Strode

Translation into English
— of —
An Instrument written in
the Spanish language

"State of California, County of San Francisco on the 14 day of October 1852.
Inasmuch that on the 17 day of August of this year Messrs Thomas Pacheco and Charles B. Strode entered into an Agreement to buy and sell the part belonging to said Pacheco in that land Known as the Rancho Potrero Los Cerretos, for the sum of $45.000., which sum Mr. Strode has paid and as said Pacheco acknowledges having received in coin and bills to his satisfaction. Now comes Pacheco, for himself, heirs and assigns, does sell, alienate & transfer to said Strode all the right that he has or may have in that land aforesaid, to wit:

Exc — does not affect premises

The undivided one half of the same excepting that portion bounded as follows. From a stake set on the edge of a ditch near Pacheco's coral and running to the South West, through the middle of a tree to another stake; thence in a straight line to the corner of the fence within which is the house occupied by Romero, from this corner along said line of said fence and beyond it to a tall elder; thence along the margin of Arolla de la Alameda to a point opposite which is a tree marked with a P in parenthesis, the stakes bear the same marks, thence in a straight line to the place of beginning; including the house occupied by the said Pacheco and a Sycamore tree standing close to it. Said Mr. Strode will consider valid all the sales heretofore made by said Pacheco within the land herein conveyed. Mr. Strode will not exact from said Pacheco any obligation or responsibility whatever regarding the title or possession of said Rancho; therefore Mr. Strode his heirs and assigns may enjoy forever all the right that the said Pacheco may have in that part of the Rancho

Portrero Los Cerretos situated in the County of Santa Clara less the portion bounded and described above, which portion will remain for the benefit of said Pacheco's heirs and assigns, for the sum of $5000. which Mr Strode acknowledges having received, deducting these from the $45000. the total sum of this sale, excepting at the same time the house occupied by Maccrio Galindo.

In testimony whereof we have this presence with our signes and seals the day and year first above written."

" Thomas Pacheco
Chales B. Strode "

"Signed, sealed and delivered in presence of Juan B. Alvarado.
Adolpho Selna "

Acknowledged October 14, 1852
before John K. Hackett, N.P.
San Francisco County

Recorded December 18, 1856
in Liber F of Deeds, 62

Thomas Pacheco
— To —
C. B. Strode

Translation into English
— of —
An Instrument written in
the Spanish language

Same Translation as of the record in
Liber F of Deeds, 62, shown at page
13 hereof

Acknowledged October 14. 1852
before John K. Hackett, N. P.
San Francisco County
also
Proven April 4, 1857
by the oath of the subscribing
witness Adolfo Sellman
before T. M. Millard, J. P.
Alameda County
Recorded April 6, 1857
in Liber F of Deeds, 329

Tomas Pacheco
— and —
Augustine Alviso
— To —
Jones, Tompkins & Strode

Translation into English
— of —
An Instrument written in the
Spanish Language

Same Translation is of record in Liber F. of
Deeds, 327 shown at page 21 hereof.

Proven June 26. 1852

same as in the record in Liber F
of Deeds 327 shown at page 21 hereof

Recorded June 26. 1852

in Liber D. of Deeds, 621
Santa Clara County

Tomas Pacheco
— and —
Augustine Alviso
— To —
Jones, Tompkins & Strode

Translation into English
— of —
An Instrument written in
the Spanish Language

"Tomas Pacheco and Agustin Alviso have this day sold to Messrs Jones, Tompkins & Strode one square mile in their Ranche; the boundaries are as follows: Commencing at the end of H. C. Smith's fence, the nearest point to the Landing, thence running a line along the public road in the direction to the Mission San Jose one mile; thence in a Westerly direction one mile; thence with a line parallel to the first the same distance of one mile where it joins the fence from where it was started to enclose the square mile. The payment of this land was made at this

date by a Contract entered into by both parties at their entire satisfaction. And this is the Warranty to the above described land.

Rancho de los Serretos, June 15th 1852"

"Witnesses:
Adolf Seelmann Cusanto Soto "Thomas Pacheco
Nasum Galindo G.A. Loyd" Augustin Alviza"

Proven June 26, 1852

["Personally appeared" &c. "Adolfo Sellman known to me to be the person whose name is subscribed as a Witness to the foregoing instrument and who made oath before me that he knew personally and well Thomas Pacheco and Augustine Alviso, that he saw Thomas Pacheco sign his name to the foregoing instrument and acknowledge and deliver the same, that Augustine Alviso directed one Felipa Dela Puento to sign the same for him and afterwards the Hu day of its date the said instument being read and his signature shown him, the said Alviso acknowledged it as his own, and that this affiant at the date of said instument subscribed the same and that their signatures are genuine"]

before J. M. Murphy
County Recorder
Santa Clara County

Recorded January 30. 1857
in Liber F of Deeds, 327

Wm Carey Jones and
C. B. Strode
To
H. C. Smith

Mortgage

Dated 14 October 14, 1852

Recites: That by a certain instrument in writing dated 9 October 1852, executed by me between Charles B Strode, John M. Horner, William Carey Jones, and Tomas Pacheco, Henry C. Smith, became bound unto the said Tomas Pacheco in $10,000 for and on account of the said Jones & Strode and am now holden and liable for.

Now in Consideration of $1. to us in hand by H. C. Smith &c. do bargain sell &c unto said Smith heirs and assigns "all our right title interest &c. in and to that certain Rancho in County of Santa Clara, in the Mission of San Jose, and known and called the Rancho de los Cerritos. Provided &c. that if the said Strode & Jones shall pay &c. unto Tomas Pacheco, and release the said Smith from his liability to him for the said sum of $10,000 within 6 months from the date hereof &c. then this

Conveyance &c shall cease determine and be absolutely null and void, Excepting however that the said property shall be subject to the payment of the sum of $1000 to the said Smith, heirs and assigns by the said Rhode and Jones within the said six months in which said last mentioned sum, the said Rhode and Jones now confess themselves indebted to the said Smith.

Witness: John K. Hackett

Acknowledged October 14. 1852

Before John K. Hackett, N.P.

Recorded October 18. 1852

at 9 o'clock A.M. in

Liber A of Mortgages, 450

Santa Clara County

William Carey Jones
— To —
Thomas G. Carey, Jun

Mortgage

Dated December 24. 1852

To secure the payment of $8000 at the expiration of six months from this date with Interest thereon at 4% per month payable monthly, and if not so paid to be compounded.

Covering all the undivided third part of a certain tract of 480 acres belonging to said Wm Carey Jones, C. W. Tompkins, and C. B. Strode, as tenants in common situated in the tract of land known as the Rancho de los Cerritos in Santa Clara County and being a portion of the tract of one mile square heretofore conveyed to the said Jones Tompkins & Strode by Augustin Alviso an Tomas Pacheco one quarter of which said tract of one mile square has been sold and conveyed by said Jones Tompkins and Strode to Henry C. Smith, and the remainder of which to wit; (said tract of 480 acres) is now under lease to said Henry C. Smith.

It being stipulated by and between the parties hereto that the condition of this Instrument shall not

hinder the said Jones from entering into an agreement of partition of the said 480 acres with his said Co-tenants but that he may freely make such partition as he and his said Co-tenants may agree upon between them, and in case such partition, his lien shall cease and be void as to all of said tract, and all interest therein that may be by such partition set over to said Tompkins and Shode their representatives and assigns and shall apply solely to the part that may by such agreement of partition remain and be apportioned to said Jones.

Witness: Geo. T. Knox.

Acknowledged 24 December 1852

Before Geo T. Knox, N.P.

Recorded Jany 14. 1853

at 1½ o'clock P.M. in

Liber A of Mortgages, 476

Santa Clara County

Charles B. Strode
To
William Carey Jones

Deed

Dated October 15. 1853

"Know &c. That I Charles B. Strode &c have bargained & sold and do hereby bargain sell & convey to William Carey Jones his heirs & assigns forever One undivided half of all my rights title & interest in and to any and all part and parts of the tract of land Known as the Rancho de los Cerritos situated in the County of alameda in this State, the consideration of the same being that said Jones has paid one half of the consideration for the purchase of said tract of land, and that by previous Contract between us, he is and has been from the time of my Contract for said purchase entitled to a full half of all the benefits arising or to arise out of the same as an equal partner in all respects.

In testimony" &c.

Charles B. Strode (Seal)

Acknowledged October 15. 1852

Before Joseph Grant. N.P.

San Francisco County

Recorded October 17. 1853

in Liber A of Deeds, 484

Charles B. Strode
To
Hezekiah C. Jones

Deed

Dated January 30. 1857

Consideration $400

Do remise, release and quit claim unto Second party his heirs and assigns, all his remaining interest in the Estate called the Rancho "de Los Cerritos" in the County of Alameda, and State of California heretofore purchased by the party of the first part from Thos Pacheco situated near the Town of Alvarado, and being the land originally granted to said Thomas Pacheco, and Augustine Alviso by the Mexican Government, and being such part of said land as the party of the first part has not heretofore disposed of.

C. B. Strode (Seal)

Witness: W. F. Swasey

Acknowledged January 30. 1857

Before W. F. Swasey. N.P.
County of San Francisco

Recorded Janry 31. 1857

in Liber F. of Deeds 150

William Carey Jones
To
Hezekiah Prince Jones

Deed

Dated October 15, 1853

Consideration $12,000

Does bargain sell and convey to second party, the following described property to wit: One undivided half part of all the right title and interest of said party of the first part in and to the tract of land situated in the County of Alameda known as the Ranchos de los Cerritos lying on the borders of the Alameda River and the Bay of San Francisco, and being the same tract heretofore granted by the Mexican Government to Thomas Pacheco, and Augustine Alviso, including one undivided half part of the interest of said party of the first part in and to all Town lots or rights and privileges of whatsoever nature in and to said tract as well the salt or marsh land as the arable lands and including one undivided half part of the interest of said party of the first part in and to a certain mile square of land situated in said tract and which was originally conveyed as a fee by said Alviso and Pacheco

to the late law firm of Jones, Tompkins and Strode and the remaining interest of said party of the first part therein being one undivided third part in three quarters thereof.

The intent of this instrument being that said parties of the first and second part shall be and are possessed share and share alike as tenants in common and not as joint tenants of all the interest this day remaining to said party of the first part in and to said Rancho de los Cerritos and the Town or Towns laid out thereon

Wm Carey Jones (seal)

Acknowledged October 15. 1853

before Joseph L Grant. N.P.
County of San Francisco

Recorded June 30. 1854

in Liber B of Deeds 615

Wm. Carey Jones
To
H. P. Jones

Deed

Dated Nov 1. 1853

Consideration Ten thousand thousand Dollars

Whereas Tomas Pacheco and Augustino Alviso gave to Jones, Tompkins & Strode a mile square of land in the Rancho de Cerritos, now in the County of Alameda being the same now rented by H. C. Smith of which one fourth part measured off has been sold leaving three fourths of same unsold and now owned in undivided interest by Wm Carey Jones and others, said Jones owning one third of said three fourths of said mile equal to one fourth of said mile square.

Now Know all men that I. Wm. Carey Jones for and in Consideration of the sum of ten thousand thousand dollars to me in hand paid at and before the Sealing and delivery of these presents have sold and hereby do sell alien and convey unto said H. P. Jones, his heirs & assigns forever all my right title and interest in and to the said H. P. Jones his heirs and assigns for ever and do hereby warrant that I have not encumbered

the same

Wm. Carey Jones (seal)

Acknowledged November 1. 1853

Before Joseph Grant, N.P.

County of San Francisco

Recorded June 30. 1854

in Liber B. of Deeds, 616.

Wm Cary Jones
by his Attorney in fact P. W. Tompkins & C. B. Strode
C. B. Strode
— and —
P. W. Tompkins
— To —
Henry C. Smith

Deed

Dated 2 Septemb 1852

Consideration $2500

Do bargain sell and convey to second party land in Santa Clara County, and bounded and described as follows, to wit: the North East quarter of of that mile square of land recently conveyed by Augustin Alviso and Jlomoas Pacheco to first parties lying to the right of the road from Union City to the Mission of San Jose the land herein conveyed containing 160 acres and lying in an exact square in the said North East corner of said mile square

To have &c to the said Henry C. Smith and his heirs forever

Covenant of Warranty by first parties against the claims of all persons.

Acknowledged 2 September 1852

Before W. Gillespie, N.P.

Recorded September 7 1852

at 7 o'clock A.M. in

Liber E. of Deeds. 113

Santa Clara County

See Note on page 90

C. B. Strode
To
William Smith

Mortgage

Dated July 31. 1852

To secure the payment of a note of even date, favor of William Smith for $2000 payable six months after date, bearing Interest at 5% per month, payable monthly, and if not so paid to be compounded

Covering all my interest being one equal undivided third part of a certain parcel of land in Santa Clara. bounded as follows; beginning from a point of the fence of H. C. Smith near the Embarcadero on the road leading from Union City to the Mission of San Jose; then following the said main Road in the direction of said Mission, one mile; from thence Westwardly one mile; thence in a line parallel to said road and said first line one mile; thence to starting point one mile, being a square, of one mile each way. The same being a portion of the Rancho of Alviso and Pacheco, and by them conveyed to Jones Tompkins and Strode, by Conveyance dated 15 June 1852 &c. This Conveyance is only of my interest

and does not include a lot of 160 acres now in the possession of H. C. Smith.

Acknowledged July 31. 1852

Before C. V. Gillespie, N.P.

Recorded August 2 1852

at 9 1/2 o'clock A. M. in Liber E. of Deeds, 13 Santa Clara County

---

William Smith,
Plaintiff
— vs. —
Charles B. Strode.
Defendant

3rd District Court
Alameda County
Register A page 105
Case No 108

1854

June 15 - Complaint — filed
To foreclose mortgage dated July 31, 1852, on premises described therein to secure the payment of $2000 - &c.

" 15. Summons issued

July 6 - Summons returned having endorsed thereon admission of service by Edw Stanley defendant's Attorney by request of defendant
— filed

1854

Aug 21 Affidavit of J. Caleb Smith that the object of the admission of service of summons was stated to him by defendant to be to facilitate the recovery of plaintiff's claim — filed

" 22 – Cost bill — filed

" 22 – Decree of foreclosure and sale — filed

Ordered, Adjudged and Decreed that the Plaintiff recover of and from the said defendant the sum of $6660. with interest thereon from the date hereof at the rate of five per cent per month, said interest to be compounded until paid, together with plaintiff's costs and disbursements incurred in this action amounting to $283.80

Also Adjudged, Ordered & Decreed that the premises described in the Complaint herein be sold at public auction by the Sheriff

of the County of Alameda &c.,
that out of the proceeds of said
sale, after deducting costs & expenses
&c., the said Sheriff pay to the said
plaintiff or his Attorney the sum
of $6660 adjudged to be due on
said Mortgage with interest there-
on from date hereof at the rate of
five per cent per month and also
plaintiff's costs & disbursements,
or so much thereof as the purchase
money will pay &c. And in case
the proceeds of such sale be not
sufficient &c., the plaintiff have
execution against said defendant
for such insufficiency &c. &c.

1854

Aug 22 Same - Entd in Judgt Book A p. 58

" 22 Judgment docketed

" 22 Judgment Roll - filed

Oct 9 Sheriff's Report of Sale - filed
That on 9 October 1854, he sold

the premises described in the
Decree for $2400.
That Clerk's & Sheriff's fees amount
to $156., showing net balance of
$2244. That the amount of
Judgment, interest & costs to
date is $7443.30.
Leaving an insufficiency of $5199.30
[No Order of Sale returned by
Sheriff with the above Report,
but the following entry appears
in the Register under date
Sept. 13, 1854 "Decree of Sale
issued".]
[Insufficiency not docketed]

1855

June 6 Execution to satisfy insufficiency
issued to the Sheriff of Alameda County

" 15 Execution returned by Sheriff with
endorsement "Not satisfied no
property found" — Filed

A. H. Broder, Sheriff
of the County of Alameda
To
William Smith

Certificate of Sale

Dated October 9, 1854

That by virtue of a certain Decree issued out of the 3rd District Court on August 22, 1854 in the action William Smith vs. Charles B. Strode in favor of the Plaintiff for the sum of $6943.80 & costs duly attested and to me directed &c. after having posted notices of the time and place of sale &c. particularly describing the property, for twenty successive days, and publishing a copy thereof once a week for the same period in "The Leader" a newspaper published in said County,

I did on 9 October 1854 in the town of Alvarado &c. sell at public auction to the highest bidder for cash, the interest and property described in said Decree, towit: the same being one equal undivided third part of a certain parcel of land in the County of

Alameda and bounded as follows:
[here follows description same as in the
Mortgage of record in Liber E of Deeds,
13 Santa Clara County records shown at
page 39 hereof] being a square of one mile
each way; excepting 160 acres within
said boundaries in the possession of
H. C. Smith.

That William Smith the plaintiff in said
suit made the highest bid for said prop-
erty at such sale, to wit: the sum of $15.
per acre or $2400. for the whole interest de-
creed to be sold. That the same was
knocked off to him and that he has paid
the said sum. That the same is subject
to redemption &c.

A. H. Broder Shff
By P. E. Edmondson U. S.

Filed October 23, 1854
and Recorded in Liber D
of Certificates of Sales, 5.

Andrew H. Broder
Sheriff of the County of Alameda } First party

William Smith Second party

Deed

Dated October 18, 1855

Recites: That by a judgment rendered in Third District Court for the State of California on August 22. 1854 in the cause of William Smith vs C. B. Strode, the premises hereinafter described were decreed to be sold &c. That First party in pursuance of the said Decree advertised the premises for sale at public auction &c and did on October 9. 1854, sell the premises at public auction to William Smith the second party for $2400 &c. That first party after receiving the purchase money gave to him such Certificate as is by law directed and a Certificate was duly filed in the Office of the Recorder of the County of Alameda. That six months after such Sale have expired without any redemption of said premises having been made. Now &c First party by virtue of said Judgment & Decree &c, and in consideration of the sum of money abovementioned &c doth grant bargain sell &c unto Second party his heirs and assigns

forever, land situated in the County of Alameda. State of California bounded and described as follows. to wit; the same being one equal undivided third part of a certain parcel of land lying and being in the County of Alameda, and bounded as follows. Beginning from the point of the fence of H. C. Smith nearest the Embarcadero on the road leading from Union City to the Mission of San Jose; thence following the main road in the direction of said Mission one mile, from thence Westwardly one mile; thence on a line parallel to said Road and said first line one mile; thence to starting one mile; being a square of one mile each way; excepting 160 acres within said boundaries in the possession of H. C. Smith.

A. H. Broder (Seal)
Sheriff of Alameda County

Acknowledged October 18. 1855
but not as Sheriff
before A. M. Church, County Recorder
Alameda County

Recorded October 18. 1855
in Liber D. of Deeds. 690

0

C. B. Strode
To
Jno. M & William Y. Horner

Deed

Dated November 28. 1853

Consideration $1800

Do grant bargain sell and quit claim unto J. M Horner & William Y. Horner, their heirs and assigns all my right title interest, estate, claim & demand both at law and in equity, and as well in possession as in expectancy of, in and to all those farms or pieces of lands situated in the Township of Washington, County of Alameda & State of California, to wit; An equal undivided 1/3 part of 480 acres of land bounded by the Union City road, on the North West partially by land owned by H. C. Smith, and South by land owned by Messrs Jones & Strode, situated about 1 1/4 miles from Union City

[and other property]

C. B. Strode (Seal)

Witness: Geo T. Knox

Acknowledged November 28. 1853

before Geo. L. Knox, N.P.

County of San Francisco

Recorded Dec 1. 1853

in Liber 13. of Deeds 20.

Hezekiah P. Jones
To
John W. Britton

Mortgage

Dated July 12, 1854
Covering the premises under search
To secure the payment of $4091 ^{36} &c

Acknowledged &c
Recorded July 25, 1854
in Liber A of Mortgages 364

Cancellation

Cancelled by Certificate of Release by John W Britton
Dated December 18, 1855
Acknowledged December 21, 1855 before
Gilbert A Grant, N.P. County of San Francisco
Recorded Febry 2, 1856 in Liber E.
of Deeds, 145.

District Court, Santa Clara County

Transcript of Judgment

Entered July 27, 1854 against Elias L. Beard, and John M. Horner, in favor of William T. Wallace for $6300 & interest $2684. & costs $358.50.

Certified on August 4. 1854 to be a true full and perfect transcript of the original Judgment Docketed &c by Jno. B. Hewson, Clerk by Lew. P. Peck. D. C.

Filed August 5. 1854

and Recorded in Liber C. Transcripts of Judgments, 21

Andrew H. Broder, Sheriff
of Alameda County, California
— To —
William H. Graves &
Ephraim Dyer

Deed

Dated May 12. 1856

Recites: That by virtue of an execution issued out of 3rd District Court for Santa Clara County, upon a judgment rendered in said Court, favor of William T. Wallace & against Elias L. Beard & John M. Horner &c. the said Sheriff did on 10 Nov. 1855 sell at public auction to said Graves & Dyer, the premises hereinafter described &c.

Now &c doth grant bargain sell &c, land in Alameda County, State of California known as the "Cerritos Rancho" bounded & described as follows, to wit: On the North by the Alameda river, on the East by the lands known as the lands of the Ex-Mission San Jose; on the South & West by the Bay of San Francisco - said land formerly owned by Tomas Pacheco & Augustine Alviso.

A. H. Broder (Seal)

Sheriff of Alameda County

Acknowledged May 13. 1856

Before H. M. Vesey, County Recorder

By J. M. Coombs. Deputy

Recorded May 13. 1856

in Liber C. of Deeds, 311

The Certificate of Sale is filed and of record

in Liber C of Certificates of Sale 76

John M. Horner
— To —
William Y. Horner

Deed

Dated March 15, 1855

Consideration $30,000

Doth remise, release and quit claim unto Second party his heirs and assigns forever all of first party's right title and interest to that tract of land situate in Alameda County & State of California, bounded as follows: [here follows description of a large tract which comprehends the secondly described parcel of the premises under Search]

(Said William Y. Horner having full knowledge of all liabilities against said above conveyed real estate

John M. Horner (Seal)

Witness: A. J. Randall

Acknowledged March 17, 1855

Before A. J. Randall N.P.
County of San Francisco

Recorded March 28, 1855

in Liber D. of Deeds, 210

Mary M. Tompkins
George H. Tompkins
Mary J. Tompkins
Lilly Tompkins &
Rose Tompkins
vs.
William Smith
Hezekiah P. Jones
Peter J. Campbell
J. W. Brittan
John W. Horner &
William Y. Horner

3rd Dist. Court
Alameda County

Lis pendens

That an action has been commenced in the above Court for a partition of the premises described in the Complaint therein [shown at page 61 hereof]

Filed August 25, 1855

and Recorded in Liber "I" of Lis pendens, 33.

Mary M. Tompkins
George H. Tompkins
Mary J. Tompkins
Lilly Tompkins
and
Rose Tompkins
Plaintiffs

— vs. —

William Smith
Hezekiah P. Jones
Peter J. Campbell
J. W. Brittan
John M. Horner
and
William Y. Horner
Defendants

Action
3rd District Court
Alameda County
No. 359
Register A page 356

1855
Aug. 25 Complaint — filed

The abovenamed plaintiffs Mary M. Tompkins and George H. Tompkins by R. R. Provines their Attorney and Mary J. Tompkins who is an infant within the age of 21 years, by her guardian ad litem Gwyn Page first duly appointed by the Judge of this to commence and prosecute this action in her behalf, and Lilly Tompkins and Rose Tompkins, who are infants within the age of 21 years, by Mary M. Tompkins, their guardian ad litem first duly appointed by the Judge of this Court herein to commence and prosecute this action in their behalf, complaining show unto the Court that heretofore, towit, on 15 July 1852, William Carey Jones, Patrick W. Tompkins and Charles B. Strode were jointly seized in fee simple of a certain tract or parcel of land lying and being in Alameda County, then in the County of Santa Clara and State of California, being part of the tract of land granted by the Mex. Gov. to Thomas Pacheco & Augustin

Alviso and conveyed to said Jones, Tompkins & Strode by said Pacheco and Alviso as a fee, described as follows, towit: Commencing at a point on the Southerly side of the road leading from the town of Alvarado to the Mission of San Jose, the said point being the N. E. corner of a tract of 160 acres of land near the town of Alvarado conveyed by the said Jones, Tompkins & Strode to Henry C. Smith; running thence along said road S 55° 37' E 11 $\frac{42}{100}$ chains; thence continuing along said road S 58° 37' E 28 $\frac{28}{100}$ chains; thence S. 34° 23' W 81 $\frac{45}{100}$ chains; thence N 55° 37' W 80 chains; thence N 34° 23' E 40 chains; thence S 55° 37' E 40 chains; thence N 34° 23' E 40 chains to the point of beginning. Containing 480 acres, more or less; and being so thereof seized as aforesaid afterward, towit, on 31 July 1852, the said Charles B. Strode one of the said joint tenants, by deed of that date did convey unto the defendant Wm Smith by way of

Mortgage all his interest & estate in said premises being the one equal undiv. third part thereof, to secure the payment of a certain debt therein mentioned as due from the said Strode to the said Wm Smith, and that afterward, towit. on 15 Oct. 1853, the said Charles B. Strode by deed of that date did sell and convey unto the said Wm Carey Jones the one undiv. half of all his right, title and interest in said premises. And that afterwards, towit on 28 Nov. 1853, the said C. B. Strode, by deed of that date did sell and convey unto the said defendants John M. Horner and Wm Y. Horner all his right, title and int. in said premises which conveyance was however subject to the Mortgage aforesaid from said Strode to said Smith and that afterwards, towit: at the Aug. Term of this Court, the said Wm Smith in an action brought for that purpose against the said C. B. Strode, obtained a decree

of this Court for the foreclosure of the equity of redemption of the said Strode in said premises and for a sale of his estate therein.

And that afterwards, towit on 9 October 1854, all the right, title and interest of the said Strode in and to said premises, which he had therein at the time of the execution of said Mortgage, was sold under and by virtue of the said decree by the Sheriff of the Cty of Ala at which sale the said Wm Smith became the purchaser thereof. And the pltfs. further show that the time allowed by law for the redemption of the said estate has long since expired and that the same has not been redeemed by the said Strode or by any other person, and that the Estate of the said Wm Smith therein has become absolute as against said Strode. And the pltfs further show that by the several deeds of conveyance bearing date respectively on 15 Oct 1853 and the 1st Nov. 1853 the said Wm Carey Jones, one of the

said original joint tenants, did sell and convey all his estate, rights &c. in said premises to the dfdt. Hezekiah P. Jones and that afterwards towit, 12 July 1854, the said Hezekiah P. Jones, by deed of that date did convey all of his estate, rights &c. in said premises by way of Mtg. to the dfdt J. W. Brittan to secure the payment of certain indebtedness therein mentioned as due from the said Hezekiah P. Jones to the said Brittan and that said Mtg. remains unsatisfied.

The pltfs further show that on or about the 8 May 1853 the said Patrick W. Tompkins, one of said original joint tenants, departed this life intestate, seized of the one undivided third part of said premises, leaving as his only heirs at law the plaintiffs abovenamed, towit: his widow, the said Mary M. Tompkins, his son the said George H. Tompkins, then of the age of 18 years, now of full age, his daughter the said Mary J.

Tompkins, now 19 years of age, his daughter the said Lilly Tompkins now six years of age, and his daughter the said Rose Tompkins, now five years of age.

Pltfs further show that the said Mary M. Tompkins duly administered upon the Estate of said decedent in the Co. of San Francisco where such decease occurred, and that said estate is not yet fully administerred. And the Pltfs further show that they are together entitled to the one undivided third part of said premises and that the said Dfdts Wm Smith and Hezekiah P. Jones are each entitled to the one undivided one third part thereof; that the said defendant J. W. Brittan is entitled to an estate or interest therein under and by virtue of said Mtg. from the said Hezekiah P. Jones to said Brittan, and that the said Dfdts John M. Horner and Wm J. Horner have or claim an equity of redemption or some

other estate or interest therein under and by virtue of said conveyance from said Strode to the said John M. & Wm. Y. Horner, but the Pltfs not being advised of the present nature or extent of their interest or estate therein cannot set them forth more particularly; and that the said dfdt. Peter J. Campbell has or claims an estate for years in said premises for an unexpired term of 5 years from the 1st January 1855, under and by virtue of a devise from the said Mary M. Tompkins, Administratrix of the Estate of said Pat. W. Tompkins, deceased.

The Pltfs further show that it would promote their interests as well as those of the Estate of the said decedent and of the said defendant Peter J. Campbell to have the shares or interests of the Pltfs in said premises, being in the aggregate the one undivided third part

thereof, set off and assigned to them together in one body.

Wherefore the Pltfs pray the order of this Court that partition of said premises be made between the parties interested therein, quantity and quality relatively considered according to the respective rights of the parties; that the shares or interests of the pltfs therein, that is to say, the one undivided third part of said premises be set off and assigned to them together in one body and that the term for years of the said dfdt Peter I. Campbell be by the decree of this Court restricted and confined to the share or part so assigned to the Pltfs that the Mtg lien of the said J. W. Brittan dft. on the undivided interest of the said dfdt Hezekiah P. Jones in said premises be decreed to be a charge only on the part or share assigned to said Dfdt Jones; and that the rights, interest

or claims of the said defendants
John M. and Wm J. Horner in
said premises of whatsoever
nature or extent they may be,
be restricted and confined by
the decree of this Court and held
to attach only to such part or
share as may be assigned to
said Wm Smith; that the
costs of this action and of such
partition be taxed the one third
against the said dfdt Wm Smith;
the 1/3 against the dfdt Hezekiah
P. Jones, and the remaining third
against the plffs.; and plffs.
pray for such further or other
relief as the nature of the case
may require and to the Court
may seem meet.

R. R. Provines
Atty. for Pltfs.

1855
Aug. 25 Petition of M. M. Tompkins, the
mother and Gwyn Page, a friend
of Mary J. Tompkins, that Mary
M. Tompkins be appointed Guardian
ad litem of Lilly Tompkins and

Rose Tompkins and that the said Gwyn Page be appointed Guardian ad litem of Mary J. Tompkins to appear and prosecute this action — filed

[No Order appointing Guardians ad litem is on file and none is shown in Minute Book]

1855

Aug. 25. Answer of William Smith — filed Admits that the plaintiffs are entitled to a one third part, H. P. Jones to another one third part, and claims that he is entitled to the remaining one third part, but denies that J. M. Horner or W. Y. Horner has any estate or interest therein. Consents that partition may be made as prayed for in the Complaint and that the right, title or interest of J. M. Horner & W. Y. Horner, if any, may be restricted to that portion which

may be assigned to the defendant William Smith.

1855

Aug 25 - Answer of H. P. Jones — filed
Admits that the plaintiffs and defendant William Smith are respectively entitled to the one third part, and consents that partition be made as prayed for in the Complaint, and that the Mortgage Lien be restricted to the portion which may be assigned to the defendant H. P. Jones

" 25 - Answer of P. J. Campbell — filed
Declares that he has an interest in an unexpired term of five years under a lease from the plaintiffs and consents that his interest be restricted to the portion set off to the plaintiffs

" 25 Answer of J. W. Brittan — filed
Consents to the partition and that his Mortgage lien be confined to the portion assigned to H. P. Jones.

1855

Aug 25 – Answer of John M. Horner & William Y. Horner – filed

That they have no right, title or interest in the said premises mentioned in said Complaint and do now disclaim any estate or interest therein of any nature or kind.

" 25 – Stipulation – filed

That the Defendants William Smith, Hezekiah P. Jones, Peter J. Campbell, J. W. Brittan, John M. Horner & William Y. Horner, having appeared and answered, hereby waive all notice of trial and whatever else might tend to delay the hearing of this cause and consent that the same be heard and a reference for partition ordered at the present August term of this Court: They further consent that it be referred to one instead of three referees to make such partition and report herein.

John M. Horner H. P. Jones

Wm Y. Horner J. W. Brittan

Jos. Coombs Wm Smith by

Atty for P. J. Campbell Austin E. Smith

Attorney in fact

1855

Aug. 25. Order appointing A. M. Church sole Referee to make partition according according to the prayer of said Complaint and to report at the next term of Court

— Entered

Nov. 9 Report of Referee — Filed

Road to Mission San Jose

S 55°37' E. S 58°37' E.

11.72 8.28 20

N. 34°23' E. 40

Wm Smith 19 80/100 acres

S 34°23' W 19.80

N 34°23' E 19.80

Tompkins 120 66/100 acres

60.86

S. 34°23' W.

S 55°37' E.

34.27

5.73

N. 34°23' E 19.86

25.73 N 55°37' W 20

N. 34°23' E.

40

H. P. Jones 231 37/100 acres

20.62

80

N. 55°37' W.

The Referee herein appointed by the Order of this Honorable Court, made at the August Term thereof 1855, to make partition of the premises described in the Complaint herein, towit: That certain tract or parcel of land lying and being in the County of Alameda and State of California, being part of the tract granted by the Mexican Government to Thomas Pacheco and Augustin Alviso and a part of that conveyed by said Pacheco and Alviso to William Carey Jones, Patrick W. Tompkins and Charles B. Strode as a fee, towit: Commencing at a point on the Southerly line of the road leading from the Town of Alvarado to the Mission of San Jose, the said point being the North Easterly corner of a tract of 160 acres of land near the town of Alvarado conveyed by the said Jones, Tompkins and Strode to Henry C. Smith; running thence along said road S. 55° 37' E. 11 $\frac{72}{100}$ chains; thence continuing along said road S. 58° 37' E 28 $\frac{28}{100}$ chains

thence S. 34° 23' W 81 $\frac{48}{100}$ chains; thence N 55° 37' W 80 chains, thence N 34° 23' E 40 chains; thence S 55° 37' E 40 chains; thence N 34° 23' E 40 chains to the point of beginning. Containing 480 acres, more or less,,

Respectfully shows unto this Honorable Court, That in obedience to said Order he did go upon said premises and proceed to make partition thereof among the parties interested therein according to their respective rights and did divide the said premises into three equal parts, quantity and quality relatively considered.

And the one part thereof, towit: all that part of said premises bounded and described as follows, towit: Commencing at a point on the Southerly line of the road leading from the town of Alvarado to the Mission of San Jose, said point being the North Easterly corner of a tract of 160 acres of land near the town of Alvarado conveyed by William Carey Jones

Patrick W. Tompkins and Charles B. Strode to Henry C. Smith; running thence along said road S. 55° 37' E 11 72/100 chains; thence continuing along said road S 58° 37' E 8^{28} chains; thence S. 34° 23' W 59 80/100 chains; thence N 55° 37' W 25 73/100 chains; thence N 34° 23' E 19 36/100 chains; thence S 55° 37' E 5 73/100 chains; thence N 34° 23' E 40 chains to the point of beginning, containing 130 acres he did set off and assign to the defendant William Smith, the same being that portion of said premises marked "Smith" on the foregoing plat thereof which is here referred to and made a part of this report.

And the one other certain portion of said premises, being all that part thereof bounded and described as follows, towit: beginning at a point in the Southerly line of said road, said point being the North Easterly corner of said last described piece or parcel of land so assigned to said Smith

This tract comprehends a portion of the firstly described parcel of the premises under search

This tract does not comprehend any portion of the premises under search

and running thence along the line of said road S. 58° 37' E 20 chains; thence S. 34° 23' W $60\frac{86}{100}$ chains; thence N 55° 37' W 20 chains; thence N 34° 23' E $59\frac{80}{100}$ chains to the point of beginning: containing $120\frac{66}{100}$ acres, he did set off and assign to the said plaintiffs Mary M. Tompkins, George H. Tompkins, Mary J. Tompkins, Lilly Tompkins and Rose Tompkins in one body in obedience to said order and in accordance with the prayer of said Complaint, the same being that portion of said premises marked "Tompkins" on the foregoing plat thereof.

And the remaining portion of said premises being bounded and described as follows, towit:

Beginning at the South Easterly corner of said last described piece or parcel of land, so assigned to the said Mary M., George H., Mary J., Lilly & Rose Tompkins; running thence S. 34° 23' W $20\frac{62}{100}$ chains; thence N 55° 37' W

80 chains; thence N 34° 23' E 40 chains; thence S 55° 37' E 34 $\frac{27}{100}$ chains; thence S 34° 23' W 19 $\frac{36}{100}$ chains; thence S 55° 37' E 45 $\frac{73}{100}$ chains to the point of beginning: containing 231 $\frac{37}{100}$ acres, he did set off and assign to the defendant Hezekiah P. Jones, the same being that portion of said premises marked "Jones" on the foregoing plat thereof.

This tract comprehends a portion of the firstly described parcel of the premises under search.

And the said Referee further shows that the partition aforesaid is as he verily believes just and equal according to the respective rights of the parties interested therein, and recommends that the same be made firm and effectual forever.

A. M. Church
Sole Referee

1856
Feb. 23 Notice by Plaintiffs Attorney to the Defendants that the Report of the Referee is on file in the Court and that the plaintiffs will apply on first day of the next term of

Court for a Decree confirming said Report and making the partition therein reported firm and effectual forever — filed

Endorsed thereon being admission of service

by Austin E. Smith Attorney for William Smith on Nov 12/55

by H. P. Jones on Nov. 12/55

by J. W. Brittan on Nov. 16/55

1856

Feb. 23 — Decree of partition — filed

This cause coming regularly on for hearing upon the Complaint filed for the partition of certain lands which are hereinafter described and upon the separate answers of the defendants William Smith, Hezekiah P. Jones, J. W. Brittan and Peter I. Campbell, and the joint answers of the defendants John M. Horner and William Y. Horner and upon the Report of A. M. Church Esq, Sole Referee appointed by the order of this Court herein to make partition of the premises described in said Complaint (all the parties

to this Action having consented that a single Referee instead of three Referees be appointed to make such partition). And it appearing by the Certificate of the County Recorder for the County of Alameda that there were no liens on the premises whereof partition is sought at the time of the bringing of this action other than those mentioned in said Complaint, and that notice of the pendency of this action was duly filed in the office of the County Recorder for the County of Alameda wherein said premises are situated. And it appearing from the joint answer of the Defendants John M. Horner & William Y. Horner that they disclaim any right, title, interest or estate in said premises; and it appearing from the separate answers of all the other defendants that the material matters in said Complaint are true as are therein stated, and that the rights & interests of the said plaintiffs and the

said defendants William Smith, Hezekiah P. Jones, J. W. Brittan & Peter J. Campbell are as stated in said Complaint. And on hearing R. R. Provines, counsel for said Plaintiffs and the said defendants having been duly notified of the filing of said Report of the Referee herein and of the hearing and trial of this cause, and making no objection or opposition to the confirmation of said Report, It is Ordered, Adjudged & Decreed that the parties to this suit are seized of and entitled to the lands, tenements and hereditaments mentioned in said Complaint and described as follows, to wit: that certain tract or parcel of land lying and being in the said County of Alameda and State of California being part of the tract granted by the Mexican Government to Thomas Pacheco and Augustin Alviso and a part of that conveyed by said Pacheco and Alviso to

William Carey Jones, Patrick W. Tompkins and Charles B. Strode as a fee, towit: [here follows particular description same as in the Complaint herein]; containing 480 acres more or less, with the appurtenances, as tenants in common thereof in fee simple, and that the respective rights and interests of the parties, plaintiffs and defendants, therein are and they are hereby ascertained, adjudged and declared to be as follows, towit; that the said plaintiffs Mary M. Tompkins, George H. Tompkins, Mary J. Tompkins, Lilly Tompkins and Rose Tompkins are together seized and well entitled to the one equal undivided third part of said premises, subject however to the rights and estate of the defendant Peter J. Campbell under and by virtue of the said demise from the said Mary M. Tompkins, as Administratrix of the Estate of Patrick

W. Tompkins, deceased; that
the said defendant William
Smith is seized and well en-
titled to the one equal undi-
vided third part of said prem-
ises; and that the said de-
fendant Hezekiah P. Jones
is seized and well entitled to
the other equal undivided third
part of said premises, subject
however to the Mortgage lien
of the said defendant J. W.
Brittan mentioned in said Com-
plaint. And it is further Ordered
and Decreed that the said Re-
port of the said Referee herein
be, and the same is hereby ap-
proved and confirmed and the
partition therein reported, made
firm and effectual forever,
that is to say, it is ordered,
adjudged and decreed that
all that portion of said prem-
ises bounded and described
as follows to wit: [here
follows particular description
same as in Referee's Report

herein], containing 130 acres, being the same marked "Smith" on the plat of said premises accompanying said Report, be and the same is hereby set off and assigned to the said defendant William Smith and that all that part of said premises bounded and described as follows: [here follows particular description same as in said Report] containing $120\frac{66}{100}$ acres, being that part of said premises marked "Tompkins" on the plat of said premises accompanying said Report, be and the same is hereby set off and assigned to the said plaintiffs Mary M. Tompkins, George H. Tompkins, Mary J. Tompkins, Lilly Tompkins & Rose Tompkins; and it appearing to be more advantageous to them that it should be so and in accordance with the prayer of their Complaint, the same is set off and assigned to

them together in one body without any other further division between them.

And that all that part of said premises bounded and described as follows, to wit: [here follows particular description same as in said Report.] containing 231 $\frac{37}{100}$ acres, being that part of said premises marked "Jones" on the plat of said premises accompanying said report, be and the same is hereby set off and assigned to the said defendant Hezekiah P. Jones.

And it is further Ordered, Adjudged and Decreed that the said term of the said Defendant Peter I. Campbell, under and by virtue of the demise aforesaid be and the same is hereby limited and confined and held to attach only to that portion of said premises set off and assigned to the said Mary M., George H., Mary J., Lilly & Rose Tompkins above described, and

that the said Mortgage lien of the said defendant J. W. Brittan be and the same is hereby limited and confined and held to attach and be a charge only on that portion of said premises set off and assigned to the said Hezekiah P. Jones above described. And it is further Ordered, Adjudged and Decreed that the said Referee herein be allowed and paid for his services in making the partition aforesaid a fee of — Dollars, and all necessary expenses by him incurred therein, and that the said fee and expenses and all the costs of this action be borne and paid, the one third part thereof by the said Plaintiffs, and the one third part thereof by the said defendant William Smith and the remaining one third part thereof by the said defendant Hezekiah P. Jones.

February 23, 1856. C. P. Hester.

1856

Feb. 23 Same Ent'd in Jdgt Book A p. 291

" 23 Decree docketed.

William Smith
To
James McWilliams

Deed

Dated November 10. 1857

Consideration $3250

Does grant bargain sell, alien remise, release convey and confirm unto second party heirs and assigns, that parcel of land lying, being, and situate in the County of Alameda, State of California, known and described as follows, to wit; Commencing at a point on the Southerly line of the road leading from the Town of Alvarado to the Mission of San Jose, said point being the North Easterly corner of a tract of 160 acres of land near the Town of Alvarado conveyed by William Carey Jones, Patrick W. Tompkins & Chas B. Strode to Henry C. Smith; running thence along said road South 55°37' East 11 72/100 chains; then continuing along said road South 58°37' East 8 28/100 chains; thence South 34°23' West 59 80/100 chains; thence North 55°37' West 25 73/100 chains; thence North 34° 23' East 19 56/100 chains; thence South 55°37' East 5 73/100 chains; thence North 34°23' East 40 chains to the point of beginning. The same being the tract of land

set apart to the said William Smith by a decree of the District Court of Alameda County in a certain suit of Partition wherein Mary M. Tompkins, George H. Tompkins, Mary E. Tompkins by George Page her guardian ad litem & Lily Tompkins & Rose Tompkins by Mary M. Tompkins, their Guardian ad litem were plaintiffs and William Smith, A. P. Jones, J. W. Britton, Peter S. Campbell, John M. Horner, & William Y. Horner, were defendants, said tract of land containing 130 acres. Covenant of Warranty against first party & heirs and against all & every person & persons lawfully claiming or to claim the same & forever defend, saving & excepting the claim or claims of any person or persons claiming by or through or from either the State or General Sovereignity.

William Smith (Seal)

by Austin E. Smith, Atty-in-fact

Acknowledged November 10. 1857

Before Preston K. Woodside, N.P.

County of San Francisco

Recorded Nov. 12. 1857

in Liber G. of Deeds, 162

Note: In order to show the commencing point the Deed from W. C. Jones et al to A. C. Smith, of record in Liber C of Deeds, 113 shown at p. 34 hereof, is introduced.

William Smith
— To —
Austin E. Smith

Power of Attorney

Dated January 4, 1856

To take possession of all my real estate and property of every kind in the State of California To sell lease or in anywise dispose of the same or any part thereof in such manner, upon such terms at such time and for such sum or sums of money as he may deem property &c.

To mortgage or in anywise encumber all or any part of the aforesaid property &c.

To sign, seal, execute, acknowledge and deliver all contracts, deeds, papers or instuments of writing &c. To receive, sue for and collect all monies now due or to become due and payable to me including all sums of money secured by Mortgage or otherwise and to sign, seal, execute, acknowledge and deliver the necessary acquittances and releases &c. &c.

With full power of substitution.

Wm. Smith (Seal)

Witnesses:

Albert Eberling

Charles De Selding

Acknowledged January 4. 1856

before Charles De Selding

Commissioner for the State

of California

City & County of Washington

Recorded November 12. 1857

in Liber A of Powers of Attorney, 11

James McWilliams
— To —
William Smith

Mortgage

Dated November 10. 1858

Covering a portion of the firstly described parcel.

To secure the payment of $2250. &c.

Acknowledged November 10. 1857
Recorded November 12. 1857
in Liber C of Mortgages. 262

Assignment

By William Smith by Austin E. Smith, his Attorney in fact, To E. G. Matthews
By Instrument Dated November 11. 1858
Acknowledged November 11. 1858
before Saml Hermann, N. P.
San Francisco City & County

Recorded November 13. 1858 in
Liber C of Mortgages. 729
[Note: A sufficient Power of Attorney
from William Smith to Austin
E. Smith, appears of record .]

Assignment

By Edwin G. Mathews to Charles Watrous
By Instrument Dated March 12. 1860
Acknowledged March 12. 1860
before Saml. Hermann, N.P.
San Francisco City & County
Recorded March 19, 1860 in
Liber D of Mortgages, 684

Cancellation

Satisfaction on the margin of the record
by Chas. Watrous
Dated January 25. 1864
Witness: G. E. Smith
Deputy Recorder

James McWilliams
To
Peter J. Campbell

Deed

Dated November 11. 1858

Consideration $800.

Do give grant bargain, sell, & convey unto second party, all that certain tract or parcel of land situate in said County of Alameda described & bounded as follows, to wit: Commencing at a point on the Southerly side of the road leading from the Town of Alvarado in said County to the Mission of San Jose, known as the North Easterly corner of a tract of land containing 160 acres near the Town of Alvarado, conveyed by Jones, Tompkins and Strode to Henry C. Smith, thence running along said road South 55° 37' East, three chains and thirty three and a third one hundredths of a chain; thence turning and running South 34° 23' West fifty nine chains and eighty one hundredths of a chain; thence North 55° 37' West nine chains and six and a third one hundredths of a chain; thence North 34° 23' East nineteen chains and thirty six one hundredths of

a chain; thence South 55°37' East five chains and seventy three one hundredths of a chain; thence North 34°23' East Forty chains to the point of beginning.

Covenant of warranty against acts of first party

James McWilliams (seal)

Witness; John H. Brewer

Acknowledged November 12. 1858

before F. J. Thibault. N.P.

City & County of San Francisco

Recorded Nov 13. 1858

in Liber H of Deeds, 367

Hezekiah C. Jones
To
Peter T. Campbell

Deed

Dated April 2. 1856

Consideration $1000.

Does remise, release & quit claim unto second party all that piece parcel or tract of land lying in the County of Alameda, State of California, bounded and described as follows, viz: Beginning on the Southern line of one mile square of land, purchased by Jones, Tompkins and Strode, from Augustine Alviso and Thomas Pacheco one hundred & thirty rods (130) Westerly from the South East corner of said tract; thence Westerly along said Southern line ninety (90) rods; thence at right angles with said Southern line Northwardly one hundred and sixty (160) rods to the Southern line of a certain one half mile square of land formerly sold to H.C. Smith by Jones, Tompkins and Strode; thence along the Southern line of H.C. Smith, Easterly forty (40) rods; thence at right angles with said Southern line of H.C. Smith, Southwardly eighty (80) rods; thence at right angles with said last mentioned line Eastwardly

This tract comprehends a portion of the firstly described parcel of the premises under search.

fifty (50) rods; thence at right angles Southwardly eighty (80) rods to the place of beginning. Comprising Sixty five (65) acres of land.

Hezekiah C. Jones (Seal)

Witness: A. M. Church

Acknowledged April 2. 1856

Before H. M. Vesey, Recorder

By Wm. C. Base, Dep.

County of Alameda

Recorded April 2 1856

in Liber E. of Deeds, 228

Horace Haws
— vs —
Wm. Carey Jones &
Charles Brown

12th District Court
San Mateo County

Transcript of Judgment.

Entered on August 17. 1857 against Wm Carey Jones & Charles Brown in favor of Horace Hawes
for $70.320 00 with $3516 00 commissions & 3%
interest per month from August 17. 1857
and $39 45/100 Costs.

Certified on Nov. 16. 1857 to be a true & correct
transcript &c. by B. G. Lathrop, Clerk of said Court.

Filed November 17. 1857
and Recorded in Liber C. of Transcripts of Judgments, 95.

P. E. Edmondson, Sheriff
of the County of Alameda
— To —
Hezekiah P. Jones

Deed

Dated September 25. 1858

Recites: That by virtue of a Writ of Execution issued out of the 12th District Court in and for San Mateo County at the Suit of Horace Hawes vs William Carey Jones & Charles Brown, the said Sheriff did levy on take & Seize all the estate right title and interest of the last named persons of in and to the premises hereinafter described and did on 22 March 1858 sell all the right title & interest of the said last named person in & to the said premises at public vendue &c. he having first given notice of the time & place of such sale according to law, at which sale the right title & interest of the last named persons in and to said premises were struck off & sold to Hezekiah P. Jones for the sum of $2000. he being the highest bidder &c.

That a Certificate of such Sale was duly filed in the office of the Recorder of Alameda County. That

six months have expired without any redemption of said premises having been made.

Now &c. do grant bargain & sell &c all the estate right title and interest of the said persons &c in & to the following described property, to wit: (here follows description of a tract which comprehends the secondly described parcel of the premises under Search

P. E. Edmondson (Seal)

Sheriff &c.

Witness: Edwd S Chipman

Acknowledged December 29 1858

Before Edwd S. Chipman N.P.

Alameda County

Recorded December 29 1858

in Liber H. of Deeds 527

The Certificate of Sale is Filed and is of Record in Liber E. Certificates of Sale, 56

Hezekiah C. Jones
— To —
Daniel Scanlin

Deed

Dated September 2. 1861

Consideration $1000.

Does grant bargain, sell, alien, remise, release convey and confirm unto second party that certain piece or parcel of land situated in Township of Washington in Alameda County and State of California; and being a portion of the Rancho de los Cerritos and described as follows; Commencing at the most Westerly corner of the lands of John Welch, which were heretofore conveyed by said Jones to said Welch, thence running Easterly along the Southerly line of said Welch's tract sixty rods to the Westerly line of Hiram Davis' lands; thence at right angles Southerly along said Davis, Westerly line eighty four (84) rods; thence at right angles Westerly sixty rods to a point; thence at right angles Northerly eighty four (84) rods to the place of beginning: Containing 30 acres of land more or less.

Covenant of Warranty against acts of first party.

Hezekiah C. Jones (Seal)

Describes the secondly described parcel of the premises under search.

Witness: F. J. Thibault

Acknowledged September 4. 1861

Before F. J. Thibault N.P.
City & County of San Francisco

Recorded Sept. 13. 1861

in Liber L. of Deeds, 139

Note:

Reference is made to the two following Deeds introduced to assist in the location of the hereinabove described tract.

H. P. Jones to J. Walsh of record in Liber J of Deeds, 436, shown at page 107 hereof.

H. P. Jones et al to H. Davis of record in Liber E of Deeds, 126 shown at page 105 hereof.

Hezekiah C. Jones
William Carey Jones
William Y. Horner &
John M. Horner
— To —
Hiram Davis

Deed

Dated January 22. 1856

Consideration $2986

Do grant bargain, sell, alien, remise, release, convey and confirm unto second party that tract of land situate lying and being in the County of Alameda State of California & described as follows, to wit; Commencing at the South Easterly corner of a certain tract of land Containing 640 acres heretofore conveyed by Augustine Alviso and Tomas Pacheco to Jones Tompkins and Strode; thence Southerly along the line of lands owned by Harry Watson to the corner of a tract of land cultivated by one Barnes; thence Northwesterly and parallel with the South Easterly line of the said tract of Jones Tompkins & Strode and to run towards the Salt marsh to make one hundred acres (100)

and no more

Covenant of warranty against acts of first party.

Hezekiah P. Jones (Seal)

William Carey Jones (Seal)

By his Attorney in fact H. P. Jones

Wm. Y. Horner (Seal)

John M. Horner (Seal)

Witness: James H. Bristow

Acknowledged January 22. 1856

Before James H. Bristow

County of San Francisco

Recorded. Jany 26. 1856

in Liber E of Deeds, 126

See Note on page 104

Hezekiah P. Jones
To
John Walsh

Deed

Dated July 27 1860

Consideration $250

Doth grant bargain, sell, alien, remise, release, convey and confirm unto second party, heirs and assigns forever that piece or parcel of land situated lying & being in Washington Township, in the County of Alameda, State of California, bounded and described as follows, to wit: Commencing at the junction of the lands of Hiram Davis with a tract of land called "The Mile Square"; thence running Southerly along Hiram Davis Westerly line Sixteen (16) rods; thence at right angles Westerly Sixty (60) rods; thence at right Northerly Sixteen (16) rods to the Southerly line of said tract called the Mile Square; and thence Easterly along said Southerly line of the said mile square Sixty (60) rods to the place of commencement; Containing Six acres and no more

Covenant of Warranty against acts of first party.

Hezekiah P. Jones (Seal)

Acknowledged July 27. 1860

Before P. J. Thibault, NP

City and County of San Francisco

Recorded July 30. 1860

in Liber J. of Deeds, 436.

See Note on page 104

Daniel Scanlin &
Ann Agnes, his wife } First parties

E. W. Burr &
B. D. Dean } Second parties

Savings & Loan Society,
A Corporation } Third party

Deed of Trust

Dated July 15, 1871

(Rev. Stamp 50¢ canc'd)

Recites: That First parties have borrowed and received of the Savings & Loan Society $350. and have agreed to repay the same &c.

Now &c. First parties in consideration of $1. and for the purpose of securing the payment to Third party of said indebtedness &c., do grant, bargain, sell &c. unto Second parties in joint tenancy and to the survivor of them, their successors and assigns, Land in the County of Alameda, Township of Washington, State of California

described as follows: Commencing at a point on the South Westerly corner of a six acre tract of land conveyed by H. P. Jones to John Walsh by deed dated July 27. 1860; running thence South 55° 37' East 15 chains to the Westerly line of land now or late of Hiram Davis; thence South 34° 23' West along said last mentioned line 21 chains; thence North 55° 37' West 15 chains, thence North 34° 23' East 21 chains to the point of commencement. Containing 31 1/2 acres. Being a portion of the Rancho Potrero de los Cerritos.

Daniel Scanlin (Seal)

Ann Agnes her × mark Scanlin (Seal)

Witness:

James G. Carson

Acknowledged July 29. 1871

before James G. Carson, N. P.

San Francisco City & County

Recorded July 31. 1871

in Liber 70 of Deeds, 415

E. W. Burr &
Benj. D. Dean } Trustees

— To —

Daniel Scanlin

Re-Conveyance

Dated December 19, 1872

Recites: That the indebtedness secured to be paid by the Deed of Trust executed by Daniel Scanlin and Ann Agnes, his wife to us, recorded &c. in Liber 70 of Deeds at page 415, is fully paid.

Now &c. in consideration of $1. &c., do grant, remise, release and reconvey unto the said Daniel Scanlin, heirs & assigns, all the estate and interest derived to us by or through said Deed of Trust in the lot of land situated in the County of Alameda, State of California, described therein. To have &c. without any warranty.

(Corporate Seal) E. W. Burr, Trustee (Seal)
Benj. D. Dean, Trustee (Seal)

Acknowledged December 19, 1872

before Henry S. Tibbey, N.P.
San Francisco City & County

Recorded December 30, 1872
in Liber 88 of Deeds, 158

A Resolution of the Board of Directors authorizing such Reconveyance is of record.

Daniel Scanlin &
Ann Scanlin, his wife
— To —
Moses Chinmark

Deed

Dated December 19, 1872

Consideration $2000.

Do grant, bargain and sell &c. land in the Township of Washington, County of Alameda, State of California, forming a portion of the "Rancho de los Ceritos" and described as follows: Commencing at the most Westerly corner of the lands of John Welch which were heretofore conveyed by H. P. Jones to said Welch; thence running Easterly, along the Southerly line of said Welch's land sixty rods to the Westerly line of lands of Hiram Davis; thence at right angles Southerly, along the Westerly line of land of said Davis, eighty four rods; thence at right angles Westerly sixty rods to a point; thence at right angles Northerly eighty four rods to the place of beginning: Containing 30 acres of land, more or less.

Daniel Scanlin (seal)

Ann her × mark Scanlin (seal)

Witness:

H. S. Tibbey

Acknowledged December 19, 1872

before Henry S. Tibbey, N. P.

San Francisco City & County

Recorded December 30, 1872

in Liber 88 of Deeds, 159

Moses Chinmark
— To —
Daniel Scanlin

Mortgage

Dated December 19, 1872
Covering the 30 acre tract of the premises under search.
To secure the payment of $2380. &c.

Acknowledged &c.
Recorded December 24, 1872
in Liber 33 of Mortgages, 177

Cancellation

Certificate of Release by Daniel Scanlin
Dated August 15, 1873
Acknowledged August 15, 1873
before Henry S. Tibbey, N. P.
San Francisco City & County
Recorded December 14, 1875 in
Liber 66 of Mortgages, 195

Moses Chinmark
To
Daniel Scanlin

Mortgage

Dated December 19, 1872

Covering the 30 acre tract, portion of the premises under search

To secure the payment of $2380. &c.

Acknowledged &c.

Recorded December 24, 1872

in Liber 33 of Mortgages, 177

Cancellation

Certificate of Release by Daniel Scanlin

Dated August 15, 1873

Acknowledged August 15, 1873

before Henry S. Tibbey, N.P.

San Francisco City & County

Recorded December 14, 1875 in

Liber 66 of Mortgages, 195

Peter J. Campbell
— To —
Hezekiah P. Jones

Mortgage

Dated April 2. 1856

Covering a portion of the parcel firstly described.

To secure the payment of $1000. &c.

Acknowledged &c.

Recorded April 2. 1856
in Liber B of Mortgages, 378

Assignments

By H. P. Jones To H. P. Kemp
By Instrument Dated April 27. 1857
Acknowledged April 27. 1857
before Robt. C. Rogers, N. P.
County of San Francisco
Recorded April 28. 1857 in
Liber C of Mortgages. 67
and

By H. R. Kemp To John W. Hendrie
By Instrument Dated November 6, 1857
Acknowledged November 6, 1857
before Saml Hermann, N.P.
San Francisco City & County
Recorded November 6, 1857
in Liber C of Mortgages, 255

Cancellation

Certificate of Release by John W. Hendrie
Dated February 4, 1862
Acknowledged February 4, 1862
before F. J. Thibault, N.P.
San Francisco City & County
Recorded February 5, 1862
in Liber F of Mortgages, 319

Peter I. Campbell and
Christy Campbell, his wife
— To —
John W. Hendrie

Mortgage

Dated November 11. 1858

Covering the parcel firstly described.

To secure the payment of $1300. &c.

Acknowledged &c.

Recorded November 13. 1858
in Liber C of Mortgages, 737

Cancellation

Certificate of Release by John W. Hendrie
Dated August 16. 1862
Acknowledged August 16. 1862
before F. J. Thibault, N. P.
San Francisco City & County
Recorded August 16. 1862
in Liber G of Mortgages, 86

Peter J. Campbell and
Christy Campbell, his wife
— To —
Moses Chinmark

Mortgage

Dated August 16. 1862

Covering a portion of the firstly described parcel and the secondly described parcel.

To secure the payment of $3000. &c

Acknowledged &c.

Recorded August 16. 1862
in Liber G of Mortgages, 87

Cancellation

Satisfaction on the margin of the record
by Moses Chinmark
Dated April 4. 1867
Witness: A. C. Crane
Deputy Recorder.

Peter I. Campbell &
Christy Campbell

Abandonment of Homestead

Dated August 16. 1862

Do hereby abandon, release & discharge from any and all claim by us as a Homestead _ in the Township of Washington, County of Alameda and State of California, bounded & described as follows:
First [here follows particular description same as in Liber E of Deeds, 228, shown at page 97 hereof]
Containing 65 acres of land.
Second: [here follows particular description same as in Liber H of Deeds 367, shown at page 95 hereof]
Containing 30 acres of land.
The said peaces or parcels of land being fully described and set forth in a Mortgage from Peter I. Campbell & Christy Campbell to Moses Chinmark of even date herewith to which reference is made.

Peter J. Campbell (Seal)

Christy Campbell (Seal)

Acknowledged August 16, 1862

before F. J. Thibault, N. P.

San Francisco City & County

Recorded August 16, 1862

in Liber A of Homesteads, 343

Peter J. Campbell &
Christy Campbell, his wife.

Abandonment of Homestead

Dated April 4, 1867

Do hereby abandon, release and discharge from all claim of homestead by us heretofore made or now existing in favor of us in and to the following described property to wit: land in the Township of Washington, County of Alameda, State of California bounded & described as follows, to wit: Commencing for the same at a point on the S.W. line of the County road leading from the town of Alvarado to the Mission of San Jose, the same being the North corner of a tract of land belonging to Henry Curtner and the East corner of the tract herein described; and running thence S. 34° 23' W 59.15 chains; thence S. 55° 37' E. 4.25 chains; thence S 34° 23' W 20.70 chains; thence N. 55° 37' W 23.46 chains; thence N 34° 23' E 39.84 chains; thence S 55° 37' E. 16.08 chains; thence N 34° 23' E 40 chains; thence S. 55° 37' E 3.13 chains to

the place of beginning and containing 97 85/100 acres, being the same land heretofore conveyed in Mortgage by us the said Peter J. Campbell and Christy Campbell to Moses Chinmark by deed dated August 16, 1862 and recorded in the office of the County Recorder of said County in Book G of Mortgages page 87 &c.

Peter J. Campbell
Christy Campbell

[Seals referred to but none affixed]

Acknowledged April 4. 1867
before Benj. Williams, N. P.
Alameda County

Recorded April 4. 1867
in Liber B of Homesteads, 105.

Peter J. Campbell &
Christy Campbell
— To —
Philo C. Munson

Mortgage

Dated April 4. 1867

Covering the parcel firstly described

To secure the payment of $5444 69/100 &c.

Acknowledged &c.

Recorded April 4. 1867

in Liber M of Mortgages, 331

Cancellation

Certificate of Release by Philo C. Munson
Dated May 11. 1867
Acknowledged May 11. 1867 before
F. J. Thibault, N. P.
San Francisco City & County
Recorded April 4. 1872 in
Liber 29 of Mortgages, 329

Peter I. Campbell

Declaration of Homestead

Dated May 3. 1867

On land in the County of Alameda, State of California bounded & described as follows: Commencing for the same at the North corner of a tract of land belonging to Henry Curtner on the S.W. side of the road leading from Alvarado to Centerville and running thence S. 34° 23' W 59.15 chs.; thence S 55° 37' E 4.25 chs; thence S 34° 23' W 20.70 chs.; thence N 55° 37' W 23.46 chs.; thence N 34° 23' E. 39.84 chs.; thence S 55° 37' E 16.08 chs; thence N 34° 23' E. 40 chs; thence S 55° 37' E. 3.13 chs. to the place of beginning and containing 97 $\frac{85}{100}$ acres.

Peter I. Campbell (Seal)

Acknowledged May 3. 1867
before Benj Williams, N.P.
Alameda County

Recorded May 3, 1867

in Liber B of Homesteads, 112

D. Levitsky
vs.
Peter I. Campbell } 3rd District Court
Alameda County

Attachment

Dated May 25, 1867

Under and by virtue of a Writ of Attachment issued out of the above Court on 24 May 1867 in the above action by Plaintiff to recover from Defendant $1168 85/100 or thereabouts in gold coin &c besides interest at the rate of 1 1/2 % per month from 19 February 1867 till paid & costs of suit, I have this day attached all the right, title, claim and interest of defendant of, in and to the following described real estate towit: [here follows description same as in B of Homesteads, 105 shown at page 127 hereof.]

H. N. Morse Sheriff
By P. R. Borein U. Shff.

Recorded May 25, 1867
in Liber A of Attachments, 56.

D. Levitzky
vs
Peter J. Campbell

3rd District Court
Alameda County
Register C. page 464
Case No 1839

1867
May 24 Complaint to recover on promissory note. filed

&c &c.

June 11. Judgment in favor of Plaintiff & against defendant for $1234 [30] &c.
filed & ordered

June 11 Execution issued to Sheriff

Nov 14 - Execution returned by Sheriff under date August 11. 1867 by order of Plaintiffs Attorney fully satisfied
filed

Peter I. Campbell &
Christy Campbell, his wife
— To —
Moses Chinmark

Deed

Dated April 3, 1872

Consideration $15.000

Do grant, bargain and sell &c. land in Washington Township, County of Alameda, State of California, bounded and described as follows, towit: Commencing for the same at a point on the S.W. line of the County road leading from the town of Alvarado to the Mission of San Jose, said point being the North corner of a tract of land owned and occupied by Andrew Herr and being the East corner of the tract intended to be herein conveyed; running thence S. 34° 23' W. 59.15 chains; thence S. 55° 37' E 4.25 chains; thence S 34° 23' W 20.70 chains; thence N. 55° 37' W. 23.46 chains; thence N. 34° 23' E 39.84 chains; thence S. 55° 37' E 16.08 chains; thence N. 34° 23' E. 40 chains; thence S. 55° 37' E 3.13 chains to the place of beginning; and containing $97\frac{85}{100}$ acres.

courses from the true meridian run by a magnetic variation of 15°40' East; true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by J. O. Hopkins, County Surveyor of Alameda County known as survey No. 635 and now remaining of record in the office of the County Surveyor of said County: being the same land on which the said parties of the first part now reside.

Peter J. Campbell (seal)

Christy Campbell (seal)

Witness: Geo. W. Bond

Acknowledged April 3, 1872

before Geo. W. Bond, J.P.

Alameda County

Recorded April 4. 1872

in Liber 78 of Deeds, 96

Note:

To determine the position of the commencing point see the following three deeds, viz:

J. McWilliams to F. Hegarty, I Deeds 122 on p. 139 hereof

F. Hegarty & wife to H. Curtner, P. Deeds 256 on p 141 hereof

H. Curtner & wife to Andrew Kerr, 39 Deeds 200, on p. 143 hereof

Note: The length of the course last named in the above record should be 3 chains 33 1/3 links instead of 3 chains 13 links

Note: The name of "Andrew Herr" in the above record should have been written "Andrew Kerr".

O

James McWilliams

— To —

Francis Hegarty

Deed

Dated June 7, 1859

Consideration $5000.

Does remise, release and quitclaim land in the County of Alameda, State of California, described as follows, towit: Commencing at a point on the Southerly side of the road leading from Alvarado to Mission of San Jose 3.33 1/2 chains Easterly from a point known as the North Easterly corner of a tract of 160 acres on the Southerly side of said road near the Town of Alvarado conveyed by Jones Tompkins & Strode to Henry C. Smith and running thence along said road 55° 37' East 7.38 2/3 links; thence South 58° 34' East 8.28 chains; thence South 34° 23' West 59.80 chains; thence North 55° 37' West 16.66 2/3 chains; thence N 34° 23' East 59.36 chains to point of commencement. Containing 100 acres, more or less. [and other property]

James McWilliams his X mark

Witnesses:
C. Cornell
A. J. Lowell

Acknowledged June 7. 1859
before C. Cornell. J. P.

Recorded June 8. 1859
in Liber I of Deeds, 122

See Note on page 138

Francis Hegarty &
Margaret, his wife
— To —
Henry Curtner

Deed

Dated **November 2. 1873**

Consideration $250.

Do grant, bargain, sell &c. all our right, title, interest, claim and demand whatsoever either at law or in equity of, in and to land in the County of Alameda, State of California and described as follows, viz: [here follows particular description same as in Liber I of Deeds, 122, shown at page 139 hereof] Containing 100 acres, more or less.

[and other property]

Francis Hegarty (Seal)
Margaret Hegarty (Seal)

Witness:
G. E. Smith

Acknowledged November 2, 1863

by Francis Hegarty
before A. M. Church, County Clerk
and ex officio Clerk of the
County Court
Alameda County

and

on December 7, 1863

by Margaret Hegarty
before C. Halsey, J. P.

Recorded January 25, 1864
in Liber P of Deeds, 256

See Note on page 138

Henry Curtner &
Lydia, his wife
— To —
Andrew Kerr

Deed

Dated January 16. 1869

Consideration $5000.

Do grant bargain and sell land in the County of Alameda and State of California, bounded and described as follows, to wit: Commencing at the North Easterly corner of the fence of Peter J. Campbell; thence Easterly along said Campbell's fence 160 rods, be the same, more or less, to the line of the County road leading from Alvarado to Centerville; thence Southerly along the line of said road to a point on the line of said road one rod Northerly from Widow Tompkin's land; thence Westerly parallel with the line of land belonging to said Tompkins 160 rods, be the same more or less to a post; thence Northerly in a straight line to place of beginning.

H. Curtner (Seal)

Lydia Curtner (Seal)

Witness: C. D. Rogers

Acknowledged January 16. 1869

before C. D. Rogers, N. P.

Recorded March 3. 1869

in Liber 39 of Deeds, 200

See Note on page 138

Moses Chinmark
To
Thomas Perry

Lease

Dated March 28, 1876

Of a tract of land in Washington Township, County of Alameda, State of California containing about 85 acres, and known as the parcel cultivated and tiled by the Sugar Beet Company in the year 1873, for the term of ninteen months from date hereof at the rent of $2100. for said term &c.
No covenants other than ordinary.

Acknowledged &c.
Recorded February 20, 1877
in Liber C of Leases, 282

In the Matter of the Estate
of Moses Chinmark, deceased.

In the Probate Court
City & County of San Francisco
Register No. 10 page 735
Estate No. 7642

1877

Feby 15 - Last Will and Testament of Moses Chinmark, deceased - filed

First: Bequeaths various sums of money to certain parties therein named and gives directions for the disposal of his body after death &c.

"Second: I give and bequeath unto the Executors of this my last Will, to wit: unto the said Hezekiah Avery, William Bell and H. N. Bissett of San Francisco, all the rest, residue and remainder of my estate, both real and personal in equal proportions."

[This second paragraph is cancelled by black ink lines drawn

diagonally across it and also
through each line.]

Third: Appoints Hezekiah Avery
of Euclid, Ohio, and William
Bell and H. N. Bissett of San
Francisco, Executors to serve
without bonds.

(signed) Moses Chinmark

Dated January 31. 1877

Witnesses: Eugene Wood, San Francisco
Saml W. Sexton, San Francisco
J. M. Wood, San Francisco

1877
Feby 15 – Petition of Wm Bell and H. N. Bissett
for probate of said Will – filed

Petition shows:

That said Moses Chinmark died
on or about 11 February 1877 at
the City & County of San Francisco
and at the time of his death was
a resident of said City & County
and left estate in said City and
County & State of California, consisting of Real and Personal property. That the probable value
and character of said property
are as follows, to wit: [here

follows specification of personal property] and a tract of land in Alameda County, value, and income also, unknown to petitioners. That the estate and effects for and in respect of which the probate of said Will is applied for does not exceed the sum of $60.000.

That said deceased left a Will bearing date 31 January 1877, which petitioners believe and therefore allege to be the last Will & Testament of deceased and which is herewith presented.

That Wm Bell and H. N. Bissell of San Francisco and Hezekiah Avery of Euclid, Ohio, are named in said Will as Executors thereof.

That the following named persons are named in said Will as devisees &c. [here follows recital of various legacies of money]

That the remainder of his Estate is devised in equal proportions among the persons named as his Executors. That the subscribing Witnesses to said will are Eugene

Wood, Samuel W. Sexton and
J. M. Wood &c.
That the next of kin of said testator whom petitioners believe and therefore allege to be the heirs at law of said testator and the names and residence of said heirs so far as known to petitioner are as follows: Roxanna Munson, a half sister of deceased, residing in the State of Missouri and Philo Munson, a half brother of deceased, resident of the City & County of San Francisco, State of California.

That at the time said Will was executed said testator was over the age of eighteen years, to wit: of the age of thirty two years or thereabouts &c.

Pray that said Will may be admitted to probate and that Letters Testamentary be issued to petitioners and Hezekiah Avery.

1877

Feby 15 – Order fixing Monday 5 March 1877 for hearing said petition for probate of Will &c. – filed

1877

Feby 15 - Same, Ent'd in Min Book 62 page 634

Mar 5 - Affidavit of George Comstock that he is a male person over the age of 21 years and not a party to nor interested in the said Estate. That on 15 February 1877, he deposited a copy of the notice of which the annexed is a printed copy [being the notice of hearing ordered on February 15, 1877] in the U. S. Post Office at the City & County of San Francisco with the postage thereon prepaid, addressed to the co-executor named in the Will of said deceased and who did not petition for the probate thereof - as follows, to wit:

"Hezekiah Avery Esq.
Euclid, Ohio."

That he is informed by Wm Bell, one of the petitioners and Executors named in said Will, that none of the heirs at law reside in the State of California but that all of them are residents of other States.

— filed

1877

May 5 - Affidavit of Joseph Wellsford that he is a white male citizen of the United States, over 21 years of age and competent to be a witness &c. That he is the principal Clerk in the office of "The Daily Examiner", a newspaper &c., and that the annexed printed notice [being the notice of hearing on probate of Will] has been published and printed in said newspaper at least ten days daily (Sundays excepted) commencing on 15 February 1877 and ending on 26 February 1877. both days inclusive — filed

" 5 - Order appointing M. B. Blake Esq Attorney to represent Luther Moses, Charles Moses & Philo P. Moses, half brothers and heirs of deceased. — filed

" " Same. Ent'd in Min Book 60 p. 618

" " Order continuing hearing on probate of Will to March 19, 1877 — filed

Mar 5. Same Ent'd in Min Book 60 p. 617

" 17. Written grounds of opposition of Luther Moses, Charles Moses and Philo P. Moses to probate of Will
– filed

Contestants allege (among other things) "that paragraph numbered "Second" in said Will was revoked by said Moses Chinmark after the execution of said Will by being cancelled by said Chinmark himself &c., and that said Chinmark died intestate as to all his estate except that disposed of under the other paragraphs or divisions of said Will.

Pray that it be adjudged & decreed that said Second paragraph of said Will was duly revoked by said deceased and that the same constitutes no part of said Will, and that it be excluded from and denied admission to probate &c.

1877

Mar 19 - Admission of service of a copy of grounds of opposition on each of them by Mary E. Moses, wife of Philo P. Moses, Otho Moses, nephew of deceased, Eliza A. Moses, neice of deceased and Hattie A. Moses, neice of deceased. — filed

" 19 - Answer of petitioners for probate of Will to Contestants' grounds of opposition, with admission by Contestants' attorney of due service and receipt of a copy of same endorsed thereon — filed

" 19 - Order continuing hearing to March 27, 1877 -
Ent'd in Min Book 64 page 2

" 27 Order appointing M. B. Blake Esq to represent the following named heirs at law of deceased, towit: Mrs Charlotte Stockman, Mrs Rosanna Spring, Mrs Eliza Gone, Mrs Sarah Granger, Mrs Candace Moses, Martin Moses, Elihu Moses, George Moses

and John Moses, all children of Elihu Moses, a deceased brother of said decedent; also Mrs Betsey Sorter & Mrs Harriet Granger, children of Mrs Avery, a deceased sister of said decedent; also Mrs Rodanna Munson, half sister of said decedent — filed

1877

Mar 27 Same Ent'd in Min Book 64 p. 41.

" 27. Application for probate of Will heard and submitted
Ent'd in Min. Book 64 page 41

" 28. Order appointing William Bell Special Administrator with sole power & authority to draw $500 &c for transportation of body of deceased to Ohio &c upon giving bonds in the sum of $500 — filed

" " Same Ent'd in Min Book 60 p. 691

April 2. Bond of Special Administrator
Recorded in Liber 11 of Bonds p. 573

1877

Apr. 2 Special Letters of Administration issued to William Bell Duplicate filed
Ent'd in Liber 10 of Letters p. 200

" 11. Findings and Conclusions of Law on application for probate of Will
– filed

Conclusions of Law

That the said instrument proposed as the Will of deceased, omitting the said cancelled clause, is the last Will and Testament of deceased, and that as to the said cancelled clause the same is not a portion of the Will of deceased; that probate should be granted with the omission thereof and that Letters Testamentary be directed to issue to said Executors on their duly qualifying.

" 11 – Order that the contested clause in the instrument purporting to be the last Will and Testament of Moses Chinmark, deceased, towit: the clause in the following words

viz: "Second" [here follows same paragraph as that marked "Second" shown in the Copy of Will herein] was duly revoked by said decedent &c. and forms no part of his last Will, and that said clause is hereby excluded from the probate hereinafter granted and the admission of said clause to probate is hereby refused.

That said Instrument, omitting therefrom said revoked clause is the last Will & Testament of said deceased and is hereby admitted to probate as such last Will and Testament. That petitioners and Hezekiah Avery are hereby appointed Executors thereof and that Letters Testamentary issue to them upon their taking the oath according to law

1877 — filed

Apr. 11 - Same. Ent'd in Min Book 60 page 731

" 11 - Will, Proof & Certificate of Proof

— filed

1877

Apr 24 Notice of Motion for a new trial by Attorney for Executors with admission of due service endorsed thereon by Contestants' Attorney — Filed

May 8 - Settled Statement on motion for new Trial — Filed

" 8 - Order overruling and denying motion for new trial — Filed

" 8 - Same Entd in Min Book 63 p. 307

" 17 - Notice of Appeal by Attorney for Executors with admission of service and the receipt of a copy thereof endorsed thereon by Contestants Attorney — Filed

Aug 13 - Remittitur from the Supreme Court of State of California affirming the judgment and order of Probate Court with costs — Filed

Sept. 3 - Letters Testamentary issued to William Bell, H. N. Bissett and

Hezekiah Avery.

Duplicate, with oaths of Wm Bell
& H. N. Bissett — filed
Ent'd, in Liber 6 of Letters page 147

1877

Sept 24 — Order that notice to Creditors be given by publication in the Daily Evening Bulletin, a newspaper &c at least once a week for four weeks — filed

" " Same Ent'd in Min Book 64 page 44

" 27 Final Account of Special Administrator — filed

" " Order appointing Monday 8 October 1877 for settlement of said final account — filed

" " Same Ent'd in Min Book 64 p. 816

" " Application of J. C. Bates for Attorney's fees on Contest of Will &c. filed

Nov. 14 Letters Testamentary issued to Executors

Duplicate with oath of Hezekiah Avery — filed

Ent'd in Liber C of Letters page 215

1877

Oct 2. Opinion of the Court on allowance of Attorney's fees to J. C. Bates — filed

Oct 8. Objections of heirs at law to certain items in Account of Special Administrator — filed

" 8. Proof of posting notices of hearing on account of Special Administrator — filed

" 15 Order settling final account of Special Administrator — filed

" " Same. Ent'd in Min Book 66 p. 144

" 24 Affidavit of William G. Burke that he is a white male citizen of the United States over 21 years of age and competent to be a witness &c; that he has no interest in said estate &c; that he is the principal Clerk of the Printers & Publishers of the Daily Evening Bulletin, a newspaper &c, and that the

notice of which the following is a printed copy [being the notice to creditors as ordered on September 24. 1877] has been published once a week for four successive weeks in the above newspaper commencing Tuesday September 25. 1877, and ending Tuesday October 23. 1877 [both days inclusive].

— filed

1877

Oct 25 – Order discharging Special Administrator — filed

" " Same Ent'd in Min Book 67 page 158

Dec. 10 – Order appointing G. B. Bradford, C. H. Henchman & G. P. McCrea, Appraisers — filed

" " Same Ent'd in Min Book 66 p. 429

1878

Jany 22. Inventory & Appraisement — filed

The following is all the Real Estate contained in the Inventory

That tract of land situate in Washington Township, County of Alameda, State of California

[here follows particular descrip-

tion same as second description in the Decree of record in Liber 242 of Deeds, 341, shown at page 173 hereof]. Containing 97 85/100 acres, magnetic variation 15°40' East – Valued at $19.600.–
Also: That tract of land in same Township and County described as follows [here follows particular description same as first description in the Decree above referred to] Containing about 30 acres.
Valued at $5000.–

1878

Aug 17 – First annual Account of Wm Bell & H. N. Bissett Executors and petition for settlement of same – filed

" 26. Order appointing Monday 9 September 1878 for settlement of said account of Executors and that the Clerk give notice by posting &c. – filed

" " Same Ent'd in Min Book 72 p. 207

Sept 3 – Account of Hezekiah Avery, Executor – filed

Sept 6 — Exceptions of M. B. Blake Attorney for heirs at law to first annual account of Wm Bell & H. N. Bissett, Executors. and petition that said account be not allowed — filed

" 9 — Proof of posting notices of hearing as ordered on August 26. 1878 — filed

" " Application for settlement of first annual account of Executors, heard and submitted.

Ent'd in Min. Book 71 page 213

" " Order that due and legal notice to Creditors has been given and that the same is established of record — filed

" " Same Ent'd in Min Book 71 p. 214

Nov. 4 Re Statement of First Annual Account of Wm Bell & H. N. Bissett, Executors — filed

" 4 Order settling and allowing first

annual account of Executors as re-stated — filed

1878

Nov 4 – Same Ent'd in Min Book 70 page 718

Dec. 3 – Petition of Executors for Order of Sale of a money Judgment — filed

" " Order authorizing sale of said Judgment — filed

" " Same Ent'd in Min Book 71 p. 475

" " Return and Account of Sale of said Judgment &c. — filed

" " Order confirming sale of Judgment — filed

" " Same Ent'd in Min Book 71 p. 477

1879

Nov 6 – Second Account of Wm Bell & H. N. Bissett, Executors & petition for settlement of same — filed

" " Order appointing Monday 24 November 1879 for settlement of second account of Executors and that the

Clerk give notice by posting &c.

1879 — filed

Nov. 6 Same — Ent'd in Min. Book 76 p. 502

" 24 Exceptions of Attorney for heirs at law to second account of Executors and petition that certain items therein be disallowed — filed

" 24 - Proof of posting notices of hearing, as ordered on November 6, 1879 — filed

Dec. 17 - Decree of settlement of second account filed

" " Same Ent'd in Min Book 74 page 689

1880 Transferred to Superior Court

Jan'y 16 - Petition of Executors & consent of heirs to compromise a claim against Wm Ireland for $350. — filed

" " Order authorizing compromise of said claim against Wm Ireland as prayed for — filed

" " Same - Ent'd in Min Book 5 page 8

1880

Mar. 5 Transcript of Records from Daviess county Missouri showing the appointment there of Geo. N. Munson, Curator of the Estate of Moses F. Munson, minor heir of Moses Chinmark, deceased. — filed

" " Petition of George N. Munson, Guardian & Curator of the Estate of Moses F. Munson a minor for leave to receive the legacy of said minor due from the Estate of said deceased and to remove the same to Daviess County Missouri — filed

" " Order authorizing payment of said legacy to said Curator & Guardian and that he be allowed to remove the same to Daviess County Missouri — filed

" " Same Ent'd in Min Book 4 page 202

" 10 Petition of Executors for sale of personal property — filed

" " Order appointing Tuesday March 16, 1880

for hearing same — filed

1880

Mar 10 — Same — Entd in Min Book 1 page 53

" " Resignation of Wm Bell as Executor of said Estate, together with his final account and vouchers and petition for final discharge — filed

" " Order appointing Friday March 12, 1880 for hearing said application of Wm Bell, Executor & that notices be posted one day before &c — filed
Same Ent'd in Min. Book

" 12 — Proof of posting notices as ordered on March 10, 1880 — filed

" " Answer of heirs to said application of Wm Bell, Executor, — filed
Deny that he is entitled to more than $400. as commissions &c, but pray that his accounts be settled & that he be discharged &c.

" " Order accepting resignation of Wm Bell as Executor, settling his final account &c and directing transfer of property of

Estate to H. N. Bissett, remaining Executor

1880 filed

Mar. 12. Same Ent'd in Min Book 1 page 68

" 16. Proof of posting notices on application for sale of personal property - filed

" " Order of Sale of personal property - filed

" " Same Ent'd in Min Book 3 page 333

" " Release by Wm Bell & wife of all claims against Estate of deceased in consideration of the release of said Bell from all claims against him both personally and as Executor of said Estate - filed

" " Order finally discharging & releasing said Bell as Executor of said Estate - filed

" " Same Ent'd in Min Book 3 page 336

" 19. Return & Account of Sale of personal property by H. N. Bissett, Executor, and petition for order confirming same - filed

1880

Mar 19 Order confirming sale of personal property — filed

" " – Same. Ent'd in Min Book 3 page 359

April 16 – Transcript of Record from Probate Court of Cuyahoga County Ohio, showing the settlement of said Estate in Ohio by the Executor thereof, Hezekiah Avery — filed

1881

Mar. 9 – Third Account of Executor — filed
Shows a cash balance in his hands of $502.08 and reports that said Estate is not in a condition to be distributed.

" 9 Order fixing Monday March 21. 1881 for settling third account &c. and that notices be posted at least ten days before said day of settlement — filed

" " Same Ent'd in Min Book 13 page 7

" 21 Affidavit of posting notices on petition to settle third account — filed
Shows that notices as ordered were posted on March 10, 1881

170

1881

Mar. 21 Vouchers accompanying third account
— filed

" " Application for settlement of third
account submitted.

Apr. 1 – Decree settling third account – filed

... except the

... distributive

... d from said

... e to the

... o claim credit

... ution

... 14 page 119

... promise claim
– filed

... promise
– filed

... 17 page 489

... Report of
– filed

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY. 82

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.
This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY		CHECK
63	W	Ra	9 pd	4 P

Received at OAKLAND, Cal. Jany 27 1882.

Dated San Fran 27

To Wm R. Davis
Atty Cor Bdway & 7th

Twenty second searchers mistake
order reads distinctly twenty
third

M. B. Blake

" " Petition of Executor for settlement of

final account and decree of distribution — filed

1882

Oct. 9 - Order appointing Monday October 23. 1882 for hearing on final account of Executor and that notice be given by posting at least ten days before said date and by publication in the Daily Evening Post, a newspaper &c. for at least ten days before said date — filed

Same Ent'd in Min. Book

" 23 Proof of posting notices of hearing, as ordered on October 9. 1882, showing that said notices were posted on October 9. 1882 — filed

" " Affidavit that notices of hearing as ordered on October 9. 1882 were published in each and every issue of the Daily Evening Post, a newspaper &c., commencing Monday October 9. 1882 and ending Saturday October 21. 1882. both days inclusive — filed

" 30 Answer of Luther Moses to Executor's petition for Distribution — filed

1881

Mar. 21 Vouchers accompanying third account — filed

" " Application for settlement of third account submitted.

Apr. 1 – Decree settling third account — filed
Allows account as filed except the payments on account of distributive shares, which are retired from said account without prejudice to the right of said Executor to claim credit therefor on final distribution

" 1 – Same Ent'd in Min Book 14 page 119

1882

Mar. 7 – Petition of Executor to compromise claim against Steele Bros. — filed

" 7 – Order allowing said compromise — filed

" " Same – Ent'd in Min Book 17 page 489

Oct. 9 – Fourth & Final Account & Report of Executor & Vouchers — filed

" " Petition of Executor for settlement of

final account and decree of distribution — filed

1882

Oct. 9 - Order appointing Monday October 22. 1882 for hearing on final account of Executor and that notice be given by posting at least ten days before said date and by publication in the Daily Evening Post, a newspaper &c. for at least ten days before said date — filed

Same Ent'd in Min. Book

" 23 Proof of posting notices of hearing, as ordered on October 9. 1882, showing that said notices were posted on October 9. 1882 - — filed

" " Affidavit that notices of hearing as ordered on October 9. 1882 were published in each and every issue of the Daily Evening Post, a newspaper &c., commencing Monday October 9. 1882 and ending Saturday October 21. 1882. both days inclusive — filed

" 30 Answer of Luther Moses to Executor's petition for Distribution — filed

Sets forth that petitioner is the grantee of all the heirs of Moses Chinmark, deceased, except Philo P. Moses -

Prays that petitioner may have distribution of one sixth part of said Real Estate in his own right, and as grantee of all the other heirs except Philo P. Moses he may have distribution of four sixths of said Real Estate; leaving one sixth to be distributed to Eliza A. Moses, grantee of said Philo P. Moses &c.

1882

Oct 30. Supplemental Account of Executor - filed

" " Order decreeing settlement of final account - filed

" " Same Ent'd in Min. Book 23 page 472

Nov. 8 Decree of final settlement and distribution [Same as in the record in Liber 242 of Deeds at page 341 shown at page hereof.] - filed

" 8 Same Ent'd in Min Book 28 page 9

In the Matter of the Estate
of Moses Chinmark, deceased

In the Superior Court
City & County of San Francisco
Transferred from late Probate Court
No. 7642

Decree of Distribution

Horatio N. Bissett, the sole acting Executor of the Will of Moses Chinmark, deceased, having on the ninth day of October 1882 rendered & filed in this Court his fourth and final account of the Administration of the Estate of said deceased which account was for a final settlement, and having with said account filed a petition for a final Distribution of said Estate to the persons entitled, and on Monday October 23, 1882 at &c said account and petition coming regularly in for hearing pursuant to the order of this Court therefor duly made on said 9 October 1882, and the matter being thereupon duly continued to Monday 30 October 1882 at &c. and on such day lastnamed

such account and petition coming regularly on to be heard pursuant to such continuance and it being duly proved to the satisfaction of this Court that the Clerk of the Court had duly given notice (both by posting and publication) of the settlement of said account and the hearing of said petition, in the manner and for the time theretofore ordered and directed by the Court and in all respects as by law required. And this Court having thereupon duly examined said account and settled the same, and having thereupon examined said petition and the other papers on file herein and having heard the testimony of witnesses and the further evidence documentary and otherwise offered in the matter and the case being thereupon duly submitted, and this Court having now duly considered the matter being fully advised herein and finding from the evidence that said account is true and correct and supported by proper vouchers; that since the rendition of such account said Executor has received nothing and has properly disbursed the sum of $385 50/100 as appears by his supplemental account filed herein on said 30 October 1882 and hereby approved; and that the expenses of closing

said Estate are estimated at $45.00.
That said Moses Chinmark died on 11 February 1877 and was then a resident of this City & County; that he left a Will as set forth in said petition and that said Bissett is and for a long time past has been the sole acting Executor of said Will; that said Will was duly admitted to probate by the late Probate Court of this City & County 11 April 1877 and Letters Testamentary were thereafter duly issued thereon as set forth in said petition. That said Estate has been duly inventoried and appraised and due and legal notice has been given to the Creditors of said deceased as alleged in said petition; that said Estate has been fully administered; that all the debts of said deceased and of said Estate, and all taxes and all expenses of administration attached or accrued have been duly paid; that said Estate is ready for final distribution and in a condition to be closed. That on the first day of January 1880 this Court succeeded to jurisdiction over this Estate and superseded the said Probate Court in which said Estate was then pending. That said Moses Chinmark

bequeathed by said Will certain pecuniary legacies set forth in said petition, and that all such legacies have been paid; that said testator died within twelve days after the execution of said will and the legacy of $500.00 therein attempted to be bequeathed to the Protestant Orphan Asylum of San Francisco thereby became void and of no legal effect. That said Chinmark disposed of no other property in said will except said legacies, but died intestate as to all his other property. That said Chinmark left surviving neither wife nor child nor issues of any deceased child and left neither father nor mother him surviving, but left him surviving as his only heirs at law the following, towit: three brothers of the half blood namely, Luther Moses, Charles Moses (now deceased) and Philo P. Moses; also one sister of the half blood, namely, Mrs Roxanna Munson (now deceased); also the children of Elihu Moses, a brother of the half blood, who pre-deceased said Chinmark, namely Mrs Charlotte Stockman (wife of Morris J. Stockman), Mrs Roxanna Spring (wife of Edward V. Spring). Mrs Eliza Gaune (wife of Frank Gaune), Mrs Sarah

Granger (wife of George Granger), Candace Moses, Martin L. Moses, Elihu Moses, George W. Moses and John E. Moses; also the children of Mrs Ardelina Avery, a sister of the half blood, who pre-deceased said Chinmark, namely; Mrs Betsey Sorter (wife of Harry Sorter), Mrs Harriet M. Gardner (wife of Warren Gardner), Mrs Julia A. Gates (wife of William H. Gates), and Hezekiah Avery; that said Chinmark left him surviving no other brother nor sister, nor child of any deceased brother or sister except as herein-above mentioned. That Essa Butters named in said petition is the granddaughter of said Elihu Moses, deceased, and is not entitled by any right of representation or otherwise to share with the children of said Elihu Moses in the distribution of said estate. That said Roxanna Munson died about 12 January 1879 in Daviess County, State of Missouri of which County and State she was a resident at the time of her death; that she left her surviving her husband Charles B. Munson, her five sons, namely, Philo C. Munson, Luther D. Munson, George N. Munson, Ira Munson and Robert M. Munson, and her two daughters

namely, Ardelissa B. Mennier (wife of Charles Mennier) and Mrs. Arvilla Kellogg, wife of J. C. Kellogg, and more fully known as Mary Arvilla Kellogg, but left her surviving no other child and no issue of any deceased child. That said Rosanna Munson left a last Will bearing date January 11, 1879 which was thereafter duly probated in said Daviess County in the Probate Court thereof, and thereupon was admitted to probate in this Court upon the production of an authenticated copy of such will and the probate thereof in such Probate Court, and Letters of Administration with the Will annexed of the Estate of said Rosanna Munson, deceased, were, on 14 July 1880, duly issued to Maurice B. Blake out of this Court, under which letters he is now acting. That in and by her said Will said Rosanna Munson bequeathed her personal property in equal shares to her said husband and children, but made no disposition of any of the Real Estate hereinafter described, nor of any real estate except certain lands situated in the State of Missouri and not derived through said Chinmark. That said Charles Moses died about April 1, 1877 intestate at Nottingham

State of Ohio and was a resident of said Nottingham at the time of his death. That on 2 May 1882 this Court duly made an order appointing said Maurice B. Blake the Administrator of the Estate of said Charles Moses, deceased, and on 12 May 1882, Letters of Administration of such Estate were duly issued to said Blake out of this Court, under which Letters he is still acting. That said Charles Moses left him surviving his wife, Mrs Mary Ann Moses, six children, namely, Nelson Moses, Charles W. Moses, Augustus L. Moses, Mrs Carrie A. Walworth (wife of W. F. Walworth) Mrs Mattie A. Warren (wife of O. H. Warren) and Mrs Betsey Currier (wife of James R. Currier), and also three children of Henry Moses, a son who predeceased the said Charles Moses, namely Irvin H. Moses, Ella L. Moses and Carrie M. Moses. That except those hereinabove mentioned said Charles Moses left him surviving no child and no issue of any deceased child. That the property of said estate of Moses Chinmark, deceased, in this State now remaining for distribution so far as now known is as follows, viz: Real property: All those certain lots, pieces or parcels of land situated in the Township of Washington

County of Alameda, State of California and bounded and particularly described as follows to wit:

First: Commencing at the most Westerly corner of the lands now or formerly owned by John Welch which were heretofore conveyed by H. P. Jones to said Welch; thence running Easterly, along the Southerly line of said Welch's land 60 rods to the Westerly line of lands of Hiram Davis; thence at right angles Southerly, along the Westerly line of land of said Davis, 84 rods; thence at right angles Westerly 60 rods to a point; thence at right angles Northerly 84 rods to the place of beginning. Containing 30 acres of land, more or less, and forming a portion of the "Rancho de los Ceritos", and being the premises conveyed to Moses Chinmark by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds at pages 159 to 160.

Second: Commencing at a point on the South Westerly line of the County road leading from the town of Alvarado to the Mission of San Jose, said point being the North

corner of a tract of land owned and occupied on or before 3 April 1872 by Andrew Herr and being the East corner of the tract intended to be herein described; running thence South 34° 23' West 59.15 chains; thence South 55° 37' East 4.25 chains; thence South 34° 23' West 20.70 chains; thence North 55° 37' West 23.46 chains; thence North 34° 23' East 39.84 chains; thence South 55° 37' East 16.08 chains; thence North 34° 23' East 40 chains; thence South 55° 37' East 3.13 chains to place of beginning; and containing 97 $\frac{85}{100}$ acres, courses from the true meridian run by a Magnetic variation of 15° 40' East; true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by T. O. Hopkins, County Surveyor of Alameda County known as Survey No. 635 and now remaining of record in the office of the County Surveyor of said County. Being the premises conveyed to said Moses Chumark by deed of Peter S. Campbell and Christy Campbell dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds at

pages 96 & 97.

Personal Property: [here if follow specification of personal property and recitals of payments to various heirs of deceased of their respective shares of personal property.]

That on 18 March 1880 said Philo P. Moses assigned, transferred and conveyed in writing all his right, title, interest and distributive share in and to the personal estate of said Moses Chinmark, deceased, to the aforesaid Eliza A. Moses (spinster) of Oakland, Alameda County, State of California, and on the same date duly transferred and conveyed to her by his deed of conveyance all his right, title, interest and distributive share in and to the real estate hereinbefore described & all Real Estate of said Moses Chinmark, deceased. That on 30 March 1880 said Charles B. Munson duly assigned, transferred and conveyed in writing all his right, title, interest and distributive shares as husband, heir and legatee of said Rosanna Munson in and to the personal estate of said Moses Chinmark, deceased, to said Ira Munson & Ardelissa B. Mennier, and on 16 March 1880 also duly transferred and conveyed to them by his Deed of Conveyance all his right, title,

interest and distributive share as husband and heir of said Rodanna Munson in & to the Real Estate hereinbefore described and all Real Estate of said Moses Chinmark deceased. That said Charlotte Stockman, Rodanna Spring, Eliza Gauner, Sarah Granger, Candance Moses, Martin L. Moses, Elihu Moses (Son of said Elihu Moses, deceased) George W. Moses, John E. Moses, Betsey Porter, Harriet M. Gardner, Julia A. Gates, Hezekiah Avery, Philo C. Munson, Luther D. Munson, George N. Munson, Ira Munson, Robert M. Munson, Ardelissa B. Mennier, Arvilla Kellogg, Mary Ann Moses, Nelson Moses, Charles W. Moses, Augustus L. Moses, Carrie A. Walworth, Mattie A. Warren, Betsey Currier, Irvin H. Moses, Ella L. Moses & Carrie M. Moses have all of them transferred and conveyed to said Luther Moses by their respective deeds of Conveyance all their right, title, interest and distributive shares in and to the real estate hereinbefore described, and all real estate of said Moses Chinmark, deceased. Such conveyances including in the case of said Ira Munson and Ardelissa B. Mennier the right, title, interest and distributive share

of said Charles B. Munson theretofore conveyed to them as aforesaid as well as their original shares. That all the parties aforesaid were at the time of their respective conveyances over the age of majority and competent to convey.

And this Court finding as conclusions of law that said Executor is entitled to the Order hereinafter made in his behalf; that said Estate of Moses Chinmark, deceased, should now be finally settled and that the distributees hereinafter named are entitled to an immediate distribution thereof in the manner and in the amounts and proportions hereinafter specified and without other or further notice or proceedings. And no exceptions or objections being filed or made

It is hereby Ordered, Adjudged & Decreed that all the acts and proceedings of said Executor, Horatio N. Bissett as reported to this Court and appearing upon the records thereof, inclusive of his accounts aforesaid, be and the same are hereby approved and confirmed. And it is further Ordered, Adjudged and Decreed that said payments in advance of distribution be and the same are hereby confirmed and approved and

that the residue of said estate of Moses Chinmark, deceased, now remaining for distribution as aforesaid, and all other property of such decedent not now known or discovered which may belong to such Estate or in which such Estate may have any interest be and the same is finally distributed as follows, viz:

First: [here follows specification of certain sums of money to be paid respectively to various distributees to equalize them &c.]

Second: [here follows specification of the manner in which the residue of the personal Estate is distributed.]

Third: The Real Estate of said Moses Chinmark hereinbefore particularly described and all other real estate of said Chinmark (if any) is hereby distributed as follows, towit: To said Eliza A. Moses as grantee and successor in interest of said Philo P. Moses one undivided one sixth part thereof. To said Luther Moses, one undivided one sixth part thereof in his own right as an heir of said Moses Chinmark, deceased; also to said Luther Moses one undivided one sixth part thereof as grantee and successor in interest of said Charlotte Stockman,

Rosanna Spring, Eliza Gaune, Sarah Granger, Candance Moses, Martin L. Moses, Elihu Moses, George W. Moses and John E. Moses who held said one sixth in equal shares; also to said Luther Moses one undivided one sixth part thereof as grantee and successor in interest of said Betsey Sorter, Harriet M. Gardner, Julia A. Gates and Hezekiah Avery, who held this one sixth in equal shares; also to said Luther Moses, one undivided one sixth part thereof as grantee and successor in interest of said Charles B. Munson (in whom vested one third of such sixth) and of said Philo C. Munson, Luther D. Munson, George N. Munson, Ira Munson, Robert M. Munson, Ardelissa B. Mennier and Arvilla Kellogg, the other heirs of said deceased heir, Roxanna Munson, and in whom the remainder of such one sixth vested in equal shares; this one sixth however being subject to the possession of said Maurice B. Blake as Administrator with the Will annexed of the Estate of said Roxanna Munson and to Administration in her Estate; also to said Luther Moses the remaining undivided one sixth part of such Real Estate as

grantee and successor in interest of the heirs of said Charles Moses, deceased, viz: of said Mary Ann Moses (in whom vested one third of this sixth) and of said Nelson Moses, Charles W. Moses, Augustus L. Moses, Carrie A. Walworth, Mattie A. Warren and Betsey Currier (in each of whom vested one seventh of the remaining two thirds of such sixth), and of said Irvin H. Moses, Ella L. Moses and Carrie M. Moses (in whom the remaining seventh of such two thirds of such sixth vested in equal shares), this sixth however being subject to the possession of said Blake as Administrator of the Estate of said Charles Moses, deceased, and to administration in such Estate.

Dated November 8, 1882.

Jno. F. Finn
Judge

Certified on 10 November 1882 by David Wilder, County Clerk of the City & County of San Francisco and ex officio Clerk of the Superior Court thereof, to be a full, true and correct copy of the Decree of Final Settlement & Distribution in the Estate of Moses Chinmark, deceased now on file and

of record in his office, by E. J. Casey,
Deputy Clerk

(Superior Court
seal)

Recorded November 23, 1882
in Liber 242 of Deeds, 341

In the Matter of the Estate
of Roxanna Munson, deceased

In the Superior Court
City & County of San Francisco
Register No. 1, page 360
Estate No. 360

1880
June 23 Exemplified Copy of last will from Probate Court of Daviess County, Mo. — filed

The following is the said Copy of Will
"I Roxanna Munson of the County of Daviess in the State of Missouri do make and publish this my last will and testament.

I want the North 1/2 of the N. W. 1/4 of Section 26, Township 59 Range 29, containing 80 acres, more or less, to be divided equally between my sons Luther D. Munson, Ira Munson and my daughters Mary A. Kellogg and Ardlissa B. Menmier; and also the North part of

the N. W. 1/4 of the N. E. 1/4 of Sec.
3 Township 58 Range 29, about
16 acres contracted for by bond
for a warranty deed from John
Simmerman to me; the balance
due to John Simmerman is to be
paid out of my personal property,
and also the Mortgage on my farm
above mentioned is to be paid out
of all juste claims of my per-
sonal property, and it is my
wish that my sons Luther D.
Munson & Ira Munson and my
daughters Mary A. Kellogg and
Ardlissa B. Mennier share equally
in all the property abovementioned.
And it is my wish that Philo
C. Munson, George N. Munson, Rob-
ert N. Munson, Luther D. Munson,
Ira Munson, Mary A. Kellogg,
Ardlissa B. Mennier and my
husband Charles B. Munson re-
ceive an equal share of all my
personal property after all my
just debts are paid.
And I do appoint as Executor
of this my last Will, Lorin G.

Rowell of Gallatin, Daveiss Co.
Mo.
In Witness whereof I have hereunto set my hand this 11th day of January A.D. 1879."
(Signed) Mrs Roxanna Munson

1880
June 23. Petition of Maurice Blake for Probate of foreign Will - filed
Petition shows:
That Roxanna Munson died on or about January 12. 1879 in Daveiss County, State of Missouri, of which place she was a resident at the time of her death, and left estate in said Daveiss County.
That said deceased also left estate which was her separate property in the City & County of San Francisco, State of California and that the character and probable value of such estate are as follows, to wit:
An undivided 1/6th interest in the undistributed property of the Estate of Moses Chinmark late of said City & County of San Francisco, deceased, which Estate is now

pending in this Court and under Administration therein.

Said deceased was a said Chinmark, deceased, and one of his heirs at law and also was a legatee under his Will &c. and the Estate remaining in the hands of the Executor of such Will is none thereof disposed of thereby but descends to said Chinmark's heirs at law including said Roxanna Munson (her share being as aforesaid 1/6th).

That such estate so remaining consists according to the best knowledge & information of petitioner [here follows specification of various items of personal property]

Also of two tracts of land in Washington Township in Alameda County, State of California, between the towns of Alvarado & the Mission San Jose of about 98 acres of land and about 30 acres of land respectively, and the same being worth in the aggregate about $18000., and of a rental value of about $900. per year, making the interest of the

Estate of said Roxanna Munson therein about $3000.-, and it's share of the annual rents, income, issues and profits thereof being not over $150.-.

That the total value of the Estate of said Roxanna Munson in the State of California, so far as the same can now be estimated by petitioner, is not over $4600.-

That the names and residences of the heirs at law of said deceased are as follows, to wit: Charles B. Munson, husband of said deceased, resident in Daviess County, Missouri; Philo C. Munson, Luther D. Munson, George N. Munson, Ira Munson and Robert M. Munson, the sons of said deceased; and Mrs Ardelissa B. Mennier, daughter of said deceased; all resident in said Daviess County Missouri; and Mary Arvilla Kellogg, daughter of said deceased, resident of Round Rock, Williamson County, State of Texas.

That said deceased left no other child or issue of any deceased child.

That petitioner is informed and be-

lieves that all said heirs at law are
over 21 years of age and he so alleges
but cannot state their exact ages.
That said deceased left a last will
bearing date January 11, 1879, wherein

Clerk,
Dated May 27th 1880
At Gallatin Mo.
(Signed) Loren G. Rowell,

authenticated and showing that
such Will was duly executed and
probated in accordance with the

laws of the State of Missouri and also of the laws of California.

That Rowell renounces his right as such Executor &c as will appear by his written renunciation herewith filed. That the said Charles B. Munson, surviving husband of said deceased, has in writing requested that petitioner may by this Court be appointed Administrator with the Will annexed of the Estate of said deceased, and that such request is herewith filed.

That petitioner is over 21 years of age and a bona fide resident of this State and otherwise competent &c.

Prays for probate of foreign Will and that Letters of Administration with the Will annexed may be issued to petitioner

1880

June 23 Renunciation of Lorin G. Rowell as Executor — Filed

" " Request of Charles B. Munson that Maurice B. Blake be appointed Administrator &c. — Filed

lieves that all said heirs at law are over 21 years of age and he so alleges but cannot state their exact ages.

That said deceased left a last will bearing date January 11, 1879, wherein

In the Superior Court in & for the City and County of San Francisco, State of California,

In the Matter of the Estate of
Roxanna Munson,
Deceased

To the Hon. the Superior Court in & for the City & County of San Francisco, State of California:

The undersigned Loren G. Rowell represents that he is the Executor named in the last Will of Roxanna Munson, late of Daviess County, State of Missouri,

authenticated and showing that such Will was duly executed and probated in accordance with the

laws of the State of Missouri and also of the laws of California.

That Rowell renounces his right as such Executor &c as will appear by his written renunciation herewith

...harles B.
...nd of said
...requested
...is Court
...r with the
... of said
... request
...years of
...dent of
...ompetent &c
...reign Will
...istration
...ay be is-

... Rowell
— filed

deceased; that he is a resident of said Daviess County, State of Missouri, & that it is not convenient for him to undertake the administration of the Estate of said deceased in the State of California,

Wherefore he renounces his right to administer such Estate in California in favor of Maurice B. Blake of Marin County in said State of California, & prays that Letters of administration, with the will annexed, of the Estate of said deceased in the State of California, may be issued to said

" " Request of Charles B. Munson that Maurice B. Blake be appointed Administrator &c. — filed

lieves that all said heirs at law are over 21 years of age and he so alleges but cannot state their exact ages.

That said deceased left a last will bearing date January 11. 1879, wherein she names Lorin G. Rowell of Gallatin in said Daviess County, as Executor thereof. That the devisees & legatees named is said will are [being the same as shown in the foregoing copy of said Will]. That the real estate in this State is not disposed of by said Will &c That at the time said Will was executed testator was upwards of 50 or 60 years of age &c. and was in every respect competent to dispose of her Estate by Will &c. That said Will was executed in Daviess County Missouri, and on February 5, 1879. duly proved and allowed in said County in and by the Probate Court thereof, and petitioner herewith produces and files a copy of such will and such probate thereof duly authenticated and showing that such Will was duly executed and probated in accordance with the

No 360.
In the Superior Court in & for the City & County of San Francisco
Department No 9.

In the Matter of the Estate of Roxanna Munson, Deceased.

Copy
Renunciation of Loren G. Rowell, Executor named in the Will.

Endorsed
Filed June 29th 1880.
William A. Stuart, Clerk.
By J. J. Driscoll, Deputy Clerk.

laws of the State of Missouri and also of the laws of California.

That Rowell renounces his right as such Executor &c as will appear by his written renunciation herewith filed. That the said Charles B. Munson, surviving husband of said deceased, has in writing requested that petitioner may by this Court be appointed Administrator with the Will annexed of the Estate of said deceased, and that such request is herewith filed.

That petitioner is over 21 years of age and a bona fide resident of this State and otherwise competent &c.

Prays for probate of foreign Will and that Letters of Administration with the Will annexed may be issued to petitioner

1880

June 23 Renunciation of Lorin G. Rowell as Executor — filed

" " Request of Charles B. Munson that Maurice B. Blake be appointed Administrator &c. — filed

1880

June 23 Order assigning Cause to Department No. 9 Superior Court — filed

" " Same Ent'd in Min Book 1 page 625

" 23 Order appointing Thursday July 8, 1880 for hearing petition on probate of Will — filed

" " Same Ent'd in Minute Book 1 page 626

July 6 Affidavit of Jos. Wellsford that he is the principal Clerk of the "Daily Examiner", a newspaper &c. That the notice for the time of hearing on petition for probate of Will has been published and printed in said newspaper at least ten days daily (Sundays excepted) commencing on June 24, 1880 and ending on July 5, 1880, both days inclusive. — filed

" 8 - Proof of posting, on June 23, 1880, of the time of hearing on petition for probate of Will — filed

1880	
July 8	Testimony & Certificate of Proof of Will — filed
" 8	Order admitting will to probate and that Letters of Administration with the Will annexed issue to M. B. Blake on filing Bond in the sum of $3500. — filed
" "	Same Ent'd in Min Book 2 page 370
" "	Will & Certificate of Proof Recorded in Liber K of Wills page 277
" 14	Bond of M. B. Blake, Administrator &c in the sum of $3500. — filed & Recorded
" 14	Letters of Administration with the Will annexed issued Duplicate filed Recorded in Book 1 of Letters page 24
" 14	Order that notice to Creditors be published in the "Daily Examiner", a newspaper &c at least once a week for four weeks — filed
" "	Same Ent'd in Min Book 7 page 80

1880

Sept 17 _ Power of Attorney from J. C. & Mary A. Kellogg of Vermilion Parish, State of Louisiana, to Waldo M. York, authorizing him to receive the interest of said Mary C. Kellogg in the Estate of deceased _ filed

Dec. 23 _ Affidavit of Thos. J. Birch that he is the principal Clerk of the Daily Examiner, a newspaper &c That the notice to Creditors was published and printed in said newspaper five times during 4 successive weeks, commencing on July 15, 1880 and ending on August 12, 1880, both days inclusive, towit: July 15, 22, 29. August 5 & 12 _ filed

1882

May 19 Order appointing S. P. Bidelford, Albert E. Crane & J. M. Wood Appraisers _ filed

" " Same Ent'd in Min. Book 18 page 624

June 15 Inventory & Appraisement _ filed

Inventory shows the following
Real Estate (the separate
property of deceased), viz:
One undivided 1/6th part of all
those certain tracts of land situate
in the Township of Washington,
Alameda County, California,
bounded & described as follows:
1st: [here follows particular description of a tract same as second description in the Decree
of Distribution in Liber 242 of
Deeds, 341 shown at page 173
hereof.] and containing 97.85
acres. Courses from the true
meridian &c.: for a further and
more particular description of
said tract reference is hereby
made to a certain plat of survey with field notes attached
made by J. C. Hopkins County
Surveyor of Alameda County
known as Survey No. 635 of
record in the office of the County
Surveyor of said County. Being
the same land conveyed to Moses
Chinmark, late of the City & County

of San Francisco, State of California, deceased, by deed of Peter P. Campbell & Christy Campbell, his wife, dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 73 of Deeds at pages 96 & 97.

Appraised at $2610.-

2nd: [here follows particular description of a tract same as first description in the Decree of Distribution in Liber 242 of Deeds, 341 shown at page hereof.] Containing 30 acres of land, more or less, and forming a portion of the "Rancho de los Ceritos" and being the same land conveyed to said Moses Chinmark deceased by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds at pages 159 & 160.

Appraised at $375.-

Nov. 3. Decree establishing due notice to Creditors — filed

" " Same Entd in Min Book 22 page 527

" 10 First and Final Account of Administrator & petition for settlement of same — filed

" 10 Petition of Administrator for a Decree of Distribution — filed

Sets forth that the property of said Estate remaining for distribution consists of the following described real estate viz:

One undivided one sixth part of those two parcels of situate in the Township of Washington, County of Alameda, State of California containing 97 85/100 acres & 30 acres, more or less, respectively and being the same two tracts of land fully described in the inventory and appraisement herein

[and personal property]

" 10 Order appointing November 22, 1882

for hearing & settlement of final account and that the Clerk give notice thereof by posting at least ten days before said day.

— filed

1882

Nov. 10 Same Ent'd in Min Book 29 page 281

" 22 Proof of posting notices on November 11. 1882 of the time fixed for hearing on settlement of account — filed

" 27 Decree of settlement of Account and of final Distribution [same as in Liber 248 of Deeds, 72, shown at page 203 hereof] — filed

In the Matter of the Estate
of Roxanna Munson, deceased

In the Superior Court
City and County of San Francisco
Estate No 360.

Decree of Distribution

Maurice B. Blake the administrator of the Eestate of Roxanna Munson, deceased having on the 10th day of November 1882 rendered and filed in this Court his first and final account of his administration of the Estate of said deceased which account was for a final settlement and having with said account filed a petition for the final distribution of said Estate to the persons entitled and this Court having on said day duly made an order appointing November 22, 1882 at 10 o'clock A.M. at the Court Room of Department No. 9 (Probate) of this Court for the settlement of said account and the hearing of said petition and directing notice thereof to be

given by the Clerk by notice posted in this City and County ten days before such day of settlement and hearing according to law. And on this 27th day of November 1882 the said account and petition coming regularly on for hearing and settlement at the same place and hour pursuant to continuance duly had from said 22nd day of November 1882. And it being duly found to the satis-faction of this Court that the Clerk of the Court had duly given notice of the settlement of said account and the hearing of said petition in the manner and for the time theretofore ordered and directed by the Court and in all respects as required by law. And it appearing and being satisfactorily proved to this Court that said account is true and correct and supported by proper vouchers, that since the rendition of said account said administrator has received nothing and disbursed nothing; that there remains a balance of $10.21 in the hands of said Administrator: that the estimated expenses of closing the administration will be $11.00 exhausting said balance.

That said Roxanna Munson died on or about the 12th day of January 1879

in Daviess County, State of Missouri, that
she was a resident of said Daviess County
at the time of her death and that she left
estate in the City and County of San Francisco
and elsewhere in the State of California.
That said deceased left a last Will bearing
date the 11th day of January 1879 which
said Will was duly admitted to probate
on the 5th day of February 1879 in and by
the Probate Court of said Daviess County:
that on the 8th day of July 1880 an authen-
-ticated copy of said Will was duly admitted
to probate in this Court and Letters of
Administration with the Will annexed
were thereafter duly issued to said Maurice
B. Blake under which he ever since has
been and now is administering on the
estate of said deceased. That said estate
has been duly inventoried and appraised:
that notice to the creditors of said deceased
has been duly given as established by the
decree of this Court duly made on the
3rd day of November 1882: that all debts
of said deceased, all taxes levied on said
Estate and all debts, expenses and charges
of administration thus far accrued have
been paid and discharged by said admin-

-istrator and that said estate is now ready for final distribution and in a condition to be closed. That said deceased left her surviving as her heirs-at-law her husband Charles B. Munson, five sons, viz: Philo C. Munson, Luther D. Munson, George A. Munson, Ira Munson and Robert N. Munson and two daughters, viz: Mrs Andelissa B. Mennier (wife of Charles Mennier) and Mrs Arvilla Kellogg (wife of J. C. Kellogg) and that said heirs are all over the age of majority. That said deceased did not in and by said Will dispose of any of her real estate in this State but that she died intestate as to the said property and that in and by said Will she bequeathed all her personal property in equal shares to the said heirs above named.

That the property of said Estate in this State remaining for distribution consists of the following described real and personal property, viz: 4/23 interest in the following personal property to wit:

(Here follows reference to personal property)

Real Property. One undivided one sixth part of all those certain tracts, pieces or parcels of land situated in the Township

of Washington, County of Alameda, State of California and bounded and particularly described as follows, to wit:

First (Here follows particular description same as in Decree of Distribution Liber 242 of Deeds page 341 except as to name of Herr, which is written herein "Kerr") and containing $97\frac{85}{100}$ acres. Courses from the true meridian run by a magnetic variation of 15° 40' East true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by T. O. Hopkins, County Surveyor of Alameda County known as survey No 635 and now remaining of record in the office of the County Surveyor of said County. Being the same land conveyed to Moses Chinmark late of the City and County of San Francisco, State of California, deceased, by deed of Peter I. Campbell and Christy Campbell his wife dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds at pages 96 and 97

Second: Commencing at the most Westerly corner of the lands owned on or before

December 1872 by John Welch which was theretofore conveyed by H. P. Jones to said Welch, thence running Easterly along the Southerly line of said Welch's land 60 rods to the Westerly line of lands of Hiram Davis: thence at right angles Southerly along the Westerly line of lands of said Davis 84 rods; thence at right angles Westerly 60 rods to a point, thence at right angles Northerly 84 rods to the place of beginning. Containing 30 acres of land more or less and forming a portion of the "Rancho de los Ceritos" and being the same land conveyed by said Moses Chinmark deceased by Deed of Daniel Scanlin and Ann Scanlin his wife dated Dec. 19, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds at pages 159 and 160. That said Charles B. Munson has duly assigned, transferred and conveyed in writing all his right, title, interest, estate and distributive share as husband and legatee of said deceased in and to the above described personal Estate to said Ira Munson and Andelissa B. Mennier; and that he also on the 16th day of March 1880 duly transferred

and conveyed to them by his deed of convey-
-ance all his right, title, interest and
distributive share as husband and heir
of said Roxanna Munson, deceased in
and to the Real Estate above described and
all real estate of said deceased in this
State. That said Philo C. Munson, Ira
Munson, George N. Munson, Luther D.
Munson, Robert N. Munson, Arvilla
Kellogg and Ardelissa B. Mennier have
transferred and conveyed to Luther Moses
of Cleveland in the State of Ohio, by good
and sufficient deeds of conveyance all their
right, title, interest and distributive
shares in and to the above described
real estate and all real Estate of said
deceased in this State and that said Ira
Munson and Ardelissa B. Mennier have
by such deeds transferred and conveyed
to said Luther Moses the share thereto-
-fore conveyed to them by said Charles
B. Munson as aforesaid, as well as to
their own original shares. That said
Luther Moses as the grantee and successor
in interest of the said children of said
deceased and mediately of her said
husband Charles B. Munson is entitled

to distribution of the said above described real estate. That said Roxanna Munson deceased was one of the heirs of said Moses Chinmark deceased and her property in this State consisted of her interest in the Estate of said Chinmark; that said real estate above described has already been distributed to said Luther Moses as grantee and successor in interest as aforesaid in and by the decree of final distribution of the Estate of said Chinmark duly made by this Court November 8, 1882 subject only to the pending administration of this Estate That said Arvilla Kellogg has heretofore assigned to Walda M. York Esq. an interest in her share of said Estate to the extent of $50.00 and that he would be entitled to such amount therefrom, but that said Administrator has this day in behalf of said Arvilla Kellogg and until the approval of this Court, settled and compromised with said York by the payment of $25.00 in full settlement, satisfaction and discharge of such interest and claim. That the said Philo C. Munson, Ira Munson,

George N. Munson, Luther D. Munson, Robert M. Munson, Arvilla Kellogg and Ardelissa B. Mennier are each entitled to distribution of 1/8th of the above described personal property and said Ira Munson and Ardelissa B. Mennier each also to 1/16th thereof additional as assignees and successors in interest of said Charles B. Munson. And no exceptions or objections having been filed or made and said York consenting hereto in open Court. It is hereby ordered, adjudged and decreed that the said account be and the same is hereby allowed, approved and settled as rendered and as the final account of said administrator: that the real estate of said Roxanna Munson, deceased remaining for distribution and hereinbefore described, and all other real estate of said deceased not now known or discovered be and the same is hereby finally distributed and set over to the said Luther Moses as the grantee and successor in interest of the said heirs of said deceased.

(Here follows decree of distribution of

Personal Property)

Done in open Court this 27th day of Nov. 1882.

Jno. F. Finn,

Judge.

Certified to by David Wilder, County Clerk of the City and County of San Francisco and Ex-officio Clerk of the Superior Court thereof to be a full, true and correct copy Dec. 5, 1882

Recorded Dec. 11, 1882.

in Liber 248 of Deeds page 72.

In the Matter of the Estate
of Charles Moses, deceased.

In the Superior Court
City & County of San Francisco
Register No. 3, page 77
Estate No. 1612

1882

Apr. 21 Petition of Maurice B. Blake for
Letters of Administration - filed
Petition shows:
That Charles Moses died on or about
April 1, 1877 in Nottingham, County
of Cuyahoga, State of Ohio.
That said deceased at the time of
his death was a resident of the
town of Nottingham in said County.
That said deceased left Estate in
the City & County of San Francisco
& in Alameda County, State of
California consisting of real &
personal property.
That the value and character of
said property so far as known

to applicant are as follows, towit:
One undivided sixth interest in the undistributed property of the Estate of Moses Chinmark, late of said City & County of San Francisco deceased. which Estate is now pending in this Court and under Administration therein, the said Charles Moses being one of the heirs at law of said Chinmark
That the Estate so remaining undistributed consists of two tracts of land in Washington Township, Alameda County in this State between the Town of Alvarado and the Mission San Jose, of about 98 acres and 30 acres respectively. [and personal property], the interest of said Charles Moses in said property being one sixth as aforesaid.
That the estate & effects sought to be administered upon do not exceed the value of $2750, of which the personal property is not over $250., and that the probable value of the rents, issues

and profits of the real estate for one year is not over $125.–
That the next of kin of deceased and whom petitioner is advised and believes and therefore alleges to be the heirs at law of deceased are his widow, Mary A. Moses, aged upward of 60 years, residing at Nottingham, Cuyahoga County, Ohio, and his six children viz: Nelson Moses, Charles W. Moses, Augustus L. Moses & Mrs. Carrie A. Walworth, all residing at Cleveland in said Cuyahoga County, Mrs. Betsey Currier, residing in East Cleveland Township in said County and Mrs Martha A. Warren residing at Syracuse, State of New York, and all of whom are over the age of majority.
That due search and inquiry have been made to ascertain if deceased left any will and testament, but none has been found, and according to the best knowledge, information & belief of petitioner deceased died intestate.

That petitioner is requested to administer said Estate by said widow of deceased, whose petition is herewith filed.

1882

April 21. Petition of Mary A. Moses, widow of deceased that Maurice B. Blake may be appointed Administrator &c (duly verified) — filed

" 21 Order assigning cause to Department No 9, Superior Court filed

" " Same Entd in Min. Book 19 page 568

May 2 Proof of Posting notices on April 21. 1882 that May 2, 1882 had been fixed as the time for hearing application for Letters of Administration — filed

" 2 Order that Letters of Administration issue to Maurice B. Blake upon his taking the oath and filing bond in the sum of $750. — filed

" " Same Entd in Min Book 18 page 529

May 12 - Bond of Maurice B. Blake as Administrator in the sum of $750. - filed

Same Recorded in Liber 6 of Bonds p. 220

" 12 - Letters of Administration issued to Maurice B. Blake - Duplicate filed

Recorded in Liber 3 of Letters page 40

" 12 - Order that notice to Creditors be published once a week for four weeks filed

" " Same Ent'd in Min Book 19 page 717

" 19 - Order appointing G. B. Bradford, Albert E. Crane & J. M. Wood, appraisers - filed

" " Same Ent'd in Min Book 18 page 624

June 15 - Inventory & Appraisement - filed

Inventory shows real estate as follows:

One undivided sixth part of all those tracts of land situate in the Township of Washington

County of Alameda, State of California, bounded & described as follows, to wit:
First [here follows particular description same as in the Decree of Distribution in Liber 248 of Deeds, 66, shown at page 223 hereof] and containing $97\frac{85}{100}$ acres courses from the true meridian run by a magnetic variation of 15°40' East, true magnetic variation 16°10' East. For a further and a more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by J. O. Hopkins, County Surveyor of Alameda County known as Survey No. 635 and now remaining of record in the office of the County Surveyor of said County. Being the same land conveyed to Moses Chinmark, late of the City & County of San Francisco, State of California, deceased, by deed of Peter J. Campbell and Christy Campbell, his wife, dated

April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds at pages 96 & 97

Appraised at $2810.

Second: [here follows particular description same as in the above mentioned Decree of Distribution] containing 30 acres of land, more or less, and forming a portion of the "Rancho de los Ceritos", and being the same land conveyed to said Moses Chinmark, deceased, by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19. 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds at pages 159 & 160

Appraised at $375.

All the above mentioned Estate is the separate property of said deceased.

1882

Sept. 21 Affidavit of C. M. Richardson that he is the principal Clerk of the

printers and publishers of the Daily Evening Post, a newspaper &c. and that the notice to Creditors has been published once a week (Saturdays) for four weeks in said newspaper, commencing Saturday May 13, 1882 and ending Saturday June 10, 1882 (both days inclusive) — filed

1882

Sept. 21. Decree that due and legal notice to Creditors has been given and is established of record — filed

" " Same Entd in Min. Book 25 page 119

Nov. 10. First & Final Account & Report of Administrator and petition for settlement of same — filed

" 10. Petition of Administrator for Decree of final Distribution — filed

" 10. Order appointing Wednesday, November 22, 1882 for the hearing on settlement of final account &c

and that the Clerk give at least ten days notice by posting &c.

1882 — filed

Nov. 10 Same Ent'd in Min Book 29 page 28

" 22 Proof of posting notices on November 11, 1882 of time of hearing on settlement of final Account &c.

— filed

" 22 Decree of Settlement of Account and of Final Distribution [same as in Liber 248 of Deeds, 66, shown at page hereof] — filed

" " Same Ent'd in Min Book 23 page 497

In the Matter of the Estate
of Charles Moses, deceased,

In the Superior Court
City & County of San Francisco
Estate No. 1612

Decree of Distribution

Maurice B. Blake, the Administrator of the Estate of Charles Moses, deceased having on 10 November 1882 rendered and filed in this Court his first and final account of his Administration of the Estate of said deceased, which account was for a final settlement, and having with said account filed a petition for the final distribution of said Estate to the persons entitled. And on this 22 November 1882 the said account and petition coming regularly on for hearing at the time appointed therefor, and it being duly proved to the satisfaction of this Court that the Clerk of the Court had duly given notice of the settlement of said Account and the hearing of said petition in the manner

and for the time theretofore ordered and directed by this Court and in all respects as required by law. And it appearing and being satisfactorily proved to this Court that said account is true and correct and supported by proper vouchers; that since the rendition of said account said Administrator has received nothing and disbursed nothing. That said Charles Moses died intestate on 1st April 1877 at Nottingham in Cuyahoga County, State of Ohio; that he was a resident of said Nottingham at the time of his death, and that he left estate in the City & County of San Francisco and elsewhere in the State of California. That Letters of Administration of said Estate were on 12 May 1882 duly issued out of this Court to said Administrator under which he ever since has been and now is administering on said Estate That said Estate has been duly inventoried and appraised. That due and legal notice to the Creditors of said deceased has been given as established by the decree of this Court duly made on 21 September 1882. That all claims and debts against said decedent, all taxes on said Estate, and

all debts and charges of administration, thus far accrued, have been fully paid and discharged. That all the allegations of said account and petition are true and that said Estate is ready for distribution and in a condition to be closed. That said deceased left him surviving, as his only heirs at law, his wife Mrs. Mary Ann Moses; six children, viz: Nelson Moses, Charles W. Moses, Augustus L. Moses Mrs Carrie A. Walworth (wife of W. F. Walworth), Mrs. Mattie A Warren (wife of A. H. Warren), and Mrs Betsey Currier (wife of James R. Currier); and three children of a deceased son Henry Moses, viz: Irwin H. Moses, Ella L. Moses and Carrie M. Moses; and that all the said heirs are over the age of majority. That the property of said Estate in this State remaining for distribution consists of the following described real and personal property viz: Real Property: One undivided one sixth part of all those certain tracts &c of land situate &c in the Township of Washington, County of Alameda, State of California and bounded and particularly described as follows, to wit:
First: [here follows particular description

of a tract same as second description in the Decree of Distribution in Liber 242 of Deeds, 341, shown at page 173 hereof.] and containing 97 $\frac{85}{100}$ acres, courses from the true meridian run by a magnetic variation of 15°40' East, true magnetic variation 16°10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by J. O. Hopkins, County Surveyor of Alameda County, known as survey No. 635 and now remaining of record in the office of the County Surveyor of said County. Being the same land conveyed to Moses Chinmark, late of the City and County of San Francisco, State of California, deceased, by deed of Peter J. Campbell and Christy Campbell his wife, dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds at pages 96 & 97.

Second: [here follows particular description of a tract same as first description in the Decree of Distribution in Liber 242 of Deeds, 341, shown at page 173 hereof.], Containing 30 acres of land, more or less and forming

a portion of the "Rancho de los Ceritos" and being the same land conveyed to said Moses Chinmark, deceased, by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19, 1872, and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds at pages 159 & 160.

Personal Property: [here follows specifications of personal property].

That said Mary Ann Moses, Nelson Moses, Charles W. Moses, Augustus L. Moses, Carrie A. Walworth, Mattie A. Warren, Betsey Currier, Irwin H. Moses, Ella L. Moses and Carrie M. Moses have assigned, transferred and conveyed to Luther Moses of Cleveland in said State of Ohio by good and sufficient deeds of conveyance all their right, title, interest and distributive shares in and to the said real estate above described and that said Luther Moses as grantee and successor in interest of the said heirs is entitled to distribution of the said real property. That said Charles Moses, deceased, was one of the heirs of said Moses Chinmark, deceased, and his property in this State consisted of his interest in the Estate of said Chinmark. That said

real estate above described has already been distributed to said Luther Moses as grantee and successor in interest as aforesaid, in and by the decree of final distribution of the Estate of said Chinmark duly made by this Court November 8, 1882, subject only to the pending Administration in this Estate.
That said Mary Ann Moses is entitled to distribution of one third of the said personal estate remaining for distribution [here follows specification of the respective interests of other distributees in personal estate].
And no exceptions or objections having been filed or made.
It is hereby Ordered, Adjudged and Decreed that the said Account be and the same is hereby allowed, approved and settled as rendered, and as the final account of said Administrator. That the real estate of said Charles Moses, deceased, remaining for distribution and hereinbefore described and all other real estate of said deceased not now known or discovered, be and the same is hereby finally distributed and set over to the said Luther Moses as the grantee and successor in interest of the said heirs of said Charles Moses, deceased,

and the personal property [here follows distribution of personal property]

Done in open Court this 22 November 1882.

Jno. F. Finn,

Judge

Certified to by David Wilder, County Clerk of the City and County of San Francisco and ex-officio Clerk of the Superior Court to be a full, true and correct copy Nov. 27, 1882.

Recorded Dec. 11, 1882.

in Liber 248 of Deeds page 66.

Philo P. Moses
— To —
Eliza A. Moses (Spinster)

Deed

Dated March 18, 1880

Consideration $3000.

Does grant, bargain, sell &c all the right, title, interest, estate, claim and demand both at law and in equity and as well in possession as expectancy of first party, of, in and to all those parcels of land situate in the Township of Washington, County of Alameda, State of California, bounded and described as follows, towit

(Here follows particular description same as in the Decree of Distribution in Liber 242 of Deeds page 341 shown on page 173 hereof)

Containing 30 acres of land, more or less, and forming a portion of the "Rancho de los Coritos"

Also: (Here follows particular description same as in Decree of Distribution Liber 242 of Deeds page 341 shown on page 173 hereof)

Containing 97 $\frac{85}{100}$ acres. Courses from the true meridian run by a magnetic variation of 15° 40' East, true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached, made by J. O. Hopkins, County Surveyor of Alameda County known as Survey No 635 and now remaining of record in the office of the County Surveyor of said County.

The first hereinabove described premises having been conveyed to Moses Chinmark by deed of Daniel Scanlin & Ann Scanlin, his wife dated December 19. 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds pages 159 & 160.

And the second hereinabove described premises having been conveyed to Moses Chinmark by deed of Peter J. Campbell & Christy Campbell dated April 3. 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pages 96 & 97.

The interest of said party in and to the above described real estate being derived

by him as one of the brothers and heirs at law of the said Moses Chinmark, deceased. Also all other real estate or shares or interests in real estate, if any, to which said first party is or may become entitled as one of such brothers & heirs at law wheresoever such real estate may be situated.

It being the intention of these presents to fully convey to and vest in said second party, her heirs and assigns forever, all the right, title, interest estate and distributive share of first party in and to the real estate belonging to the Estate of said deceased.

Philo P. Moses

Witness:

J. H. Blood

Acknowledged March 18, 1880

before J. H. Blood, N.P.

San Francisco City & County

Recorded May 10, 1880

in Liber 202 of Deeds, 29

Charles B. Munson
— To —
Ira Munson and
Ardlissa B. Mennier

Deed

Dated March 16, 1880

Consideration $500.

Do grant, bargain, sell &c all the right, title, interest, estate, claim and demand both at law and in equity and as well in possession as in expectancy of the said first party of in and to land in the Township of Washington, County of Alameda State of California bounded and described as follows, towit: (Here follow particular description same as in the Decree of Distribution in Liber 242 of Deeds page 341 same as on page 173 hereof, Saving that the word "Herr" therein is written "Kerr" herein) Containing $97\frac{85}{100}$ acres, Courses from the true meridian run by a magnetic variation of 15°40' East, true magnetic variation 16°10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey

with field notes attached made by J. O. Hopkins, Surveyor of Alameda County known as Survey No. 635 and now remaining of record in the office of the County Surveyor of said County. Being the same land conveyed to Moses Chinmark, deceased, by deed of Peter J. Campbell and Christy Campbell, his wife, dated April 3, 1872, and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pages 96 & 97.

Also: [here follows particular description same as in the Decree in Liber 242 of Deeds page 341, shown at page 173 hereof.]

Containing 30 acres of land, more or less and forming a portion of the Rancho de los Ceritos, and being the same land conveyed to said Moses Chinmark, deceased, by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds at pages 159 & 160. And also any other real estate situated in the State of California which belonged to said Moses Chinmark at the time of his death or has been acquired

by his Estate and any and all real estate in said State of California which belonged at the time of her death to Rosanna Munson, deceased, or has been acquired by her Estate. The said party of the first part being the surviving husband of said Rosanna Munson, deceased, and the said Rosanna Munson having been a legatee and heir at law of the said Moses Chinmark, deceased.

Charles B. Munson (Seal)

Acknowledged May 17, 1880
before William W. Snider, N.P.
Daviess County
State of Missouri

Recorded June 26, 1880
in Liber 204 of Deeds, 128

Martin L. Moses, Elihu Moses,
George W. Moses, Candice Moses,
John E. Moses & Ida A. Moses, his wife
Sarah Granger & George Granger, her husband
Eliza Gawne & Frank Gawne, her husband
Roxana Spring & Edward Spring, her husband
Charlotte Stockman & Morris Stockman, her husband
Essie Button

— To —

Luther Moses

Deed

Dated May 3, 1880.

Consideration $1000.00

Do grant, bargain, sell, convey, remise, release and forever quit claim unto second party all the right, title and interest, estate, claim and demand both at law and in equity as well in possession as in expectancy of first parties to all those lots, pieces or parcels of land, situate, lying and being in the Township of Washington, County of Alameda, State of California and bounded and particularly described as follows, to wit: [here follows

particular description same as in the Decree in Liber 242 of Deeds, 341, shown at page 173 hereof.] Containing 30 acres of land more or less and forming a portion of the Rancho de los Ceritos and being the premises conveyed to Moses Chinmark by deed of Daniel Scanlin and Ann Scanlin his wife dated December 19, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds pp 159 and 160.

Also: [here follows particular description same as in the Decree in Liber 242 of Deeds 341, shown at p. 173 hereof.] and containing 97 85/100 acres. Courses from the true meridian run by a magnetic variation of 15° 40' East true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by T. O. Hopkins, County Surveyor of Alameda County, known as survey No 635 and now remaining of record in the office of the County Surveyor of said County, being the premises conveyed to Moses Chinmark by deed of Peter S. Campbell and Christy Campbell dated April 3, 1872 and of record in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pp. 97 and 96. The Real

Estate herein above described having been the property at the time of his death of said Moses Chinmark late of the City and County of San Francisco, State of California, deceased and now under administration in his Estate, also any and all other Real Estate if any in said Alameda County or elsewhere in the State of California belonging to the Estate of said Moses Chinmark, deceased.

The said Martin L. Moses, Elihu Moses, George W. Moses, Candice Moses, John E. Moses, Sarah Granger, Eliza Gawne, Roxana Spring and Charlotte Stockman, being heirs at law of said deceased and it being the intention of each of them hereby to fully convey to and vest in said party of the second part his heirs and assigns forever their respective interests and distributive shares in the Real estate of said Moses Chinmark, deceased situated in said State of California.

Martin L. Moses (Seal)

Elihu Moses (Seal)

George W. Moses (Seal)

Candace Moses (Seal)

John E. Moses (Seal)

Ida A. Moses (Seal)

Sarah Granger (Seal)

George Granger (Seal)

Eliza Gawne (Seal)

Frank Gawne (Seal)

Charlotte Stockman (Seal)

Morris J. Stockman (Seal)

Essie J. Buttan (Seal)

By her father and Guardian

Archibald Buttan

Roxana Spring (Seal)

E. V. Spring (Seal)

Witnesses:

V. C. Taylor

E. Zudler

Chas. M. Capp.

Acknowledged July 20, 1880.

by Martin L. Moses, Elihu Moses,
George W. Moses, Candace Moses,
John E. Moses, Ida A. Moses,
Sarah Granger, George Granger,
Eliza Gawne, + Frank Gawne
before C. M. Capp, N. P.
Cuyahoga County,
State of Ohio

— also: —

Acknowledged Feby 1, 1881.

by Charles? Stockman, Morris J Stockman,
Archibald Buttas, father and Guardian of

Essie J. Buttas
before E. H. Green, N. P.
County of Charlevoix,
State of Michigan.

— also: —

Acknowledged Feby 5, 1881.
by Edward V. Spring & Roxana Spring
before Ed. S. Jelly, J. P.
Van Buren County,
State of Michigan.

— also —

Acknowledged May 3, 1880.
by Martin L. Moses, Elihu Moses,
George W. Moses, Candace Moses,
John E. Moses, Ida A. Moses,
Sarah Granger, George Granger,
Eliza Gawne, Frank Gawne,
before C. M. Capp, N. P.
County of Cuyahoga,
State of Ohio.

Recorded July 22, 1882. 134
in Liber 240 of Deeds page 131.

Certificate of Chas. E. Heath, Clerk of the Circuit Court for the County of Van Buren, State of Michigan, that Ed. S. Jelly whose name is subscribed to the Certificate of acknowledgment

of the annexed instrument was a duly elected and qualified Justice of the Peace for said County. Dated Aug. 5, 1882.

Re-recorded Nov. 23, 1882.

in Liber 242 of Deeds page 325.

Martin L. Moses
Elihu Moses
George W. Moses
Candice Moses
John E. Moses &
Ida A. Moses, his wife.
Sarah Granger and
George Granger, her husband.
Eliza Gawne and
Frank Gawne, her husband
Roxana Spring and
Edward Spring, her husband.
Charlotte Stockman and
Morris Stockman, her husband
Essa Button
— To —
Luther Moses

Deed

Dated May 3, 1880

Consideration $1000.

Do grant, bargain, sell &c all the right, title, interest, estate, claim and demand both at law and in equity and as well in

possession as in expectancy of first parties of, in and to land in the Township of Washington, County of Alameda, State of California, bounded and described as follows, towit: (Here follow particular description same as in Decree of Distribution in Liber 242 of Deeds page 341 shown on page 173 hereof) Containing 30 acres of land, more or less, and forming a portion of the Rancho de los Cerritos, and being the premises conveyed to Moses Chinmark by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19. 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds pages 159 & 160.

Also: (Here follows particular description same as in the Decree of Distribution in Liber 242 of Deeds page 341 shown on page 173 hereof) Containing 97 $\frac{85}{100}$ acres. Courses from the true meridian, run by a magnetic variation of 15°40' East, true magnetic variation 16°10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of Survey with field notes attached made by T.C. Hopkins, County Surveyor of

Alameda County known as Survey No 635 and now remaining of record in the office of the County Surveyor of said County. Being the premises conveyed to Moses Chinmark by deed of Peter S. Campbell & Christy Campbell dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pages 96 & 97.

The real estate hereinabove described having been the property at the time of his death of said Moses Chinmark, deceased, and now under Administration in his Estate. Also any and all other real estate (if any) in said Alameda County or elsewhere in the State of California belonging to the Estate of said Moses Chinmark, deceased

The said Martin L. Moses, Elihu Moses, George W. Moses, Candice Moses, John E. Moses, Sarah Granger, Eliza Gawne, Roxana Spring and Charlotte Stockman being heirs at law of said deceased; and it being the intention of each of them hereby to fully convey to and vest in Second party heirs and assigns forever, their respective interests and distributive shares in the

real estate of said Moses Chinmark, deceased, situated in said State of California.

Martin L. Moses (Seal)
Elihu Moses (Seal)
George W. Moses (Seal)
Candace Moses (Seal)
John E. Moses (Seal)
Ida A. Moses (Seal)
Sarah Granger (Seal)
George Granger (Seal)
Eliza Gawne (Seal)
Frank Gawne (Seal)
Charlotte Stockman (Seal)
Morris J. Stockman (Seal)
Essie J. Button (Seal)
by her father and
Guardian
Archibald Button
Rosana Spring (Seal)
E. V. Spring (Seal)

Witnesses:
V. C. Taylor
E. Zeidler
Chas. M. Copp

Acknowledged May 3, 1880

by Martin L. Moses, Elihu Moses.
George W. Moses, Candace Moses
John E. Moses, Ida A. Moses,
Sarah Granger, George Granger
Eliza Gawne & Frank Gawne
— and —
on July 20, 1880
by same parties
before C. M. Copp, N.P.
Cuyahoga County
State of Ohio
— and —
on February 1. 1881
by Charlotte Stockman & Morris J.
Stockman and by Archibald
Buttas, Father & Guardian of
Essie J. Buttas
before Edward H. Green, N.P.
County of Charlevoix
State of Michigan
— and —
on February 5, 1881
by Edward V. Spring & Roxana Spring
before Ed. S. Jelly, J.P.
Van Buren County
State of Michigan

Recorded July 22, 1882

in Liber 240 of Deeds, 134

Betsey Sorter and
Harry Sorter,
her husband
Harriet M. Gardner and
Warren Gardner,
her husband
Julia A. Gates and
William H. Gates,
her husband, and
Hezekiah Avery
To
Luther Moses

Deed.

Dated Consideration $1000^{00} May 3, 1880.

Do grant, bargain, sell, convey, remise, release and forever quit claim unto second party his heirs and assigns all the right, title, interest, estate, claim and demand, both at law and in equity as well in possession as in expectancy of first parties to those lots, pieces or parcels of land, situate, lying and being in the Township of Washington, County of Alameda, State of California and

bounded and particularly described as follows, to wit: [here follows particular description same as in the Decree in Liber 242 of Deeds 341 shown at page 173 hereof.]

Containing 30 acres more or less and forming a portion of the "Rancho de los Ceritos" and being the premises conveyed to Moses Chinmark by deed of Daniel Scanlin and Ann Scanlin his wife dated December 19, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds pp. 159 and 160.

Also: [here follows particular description same as in the Decree in Liber 242 of Deeds, 341, shown at page 173 hereof.]

Containing 97 85/100 acres. Courses from the true meridian run by a magnetic variation of 15° 40' East true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plot of survey with field notes attached made by T. O. Hopkins, County Surveyor of Alameda County known as survey No 635 and now remaining of record in the office of the County Surveyor of said County. Being the premises conveyed to Moses Chinmark by deed of Peter J. Campbell and Christy Campbell

dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pp. 96 and 97. The real estate hereinabove described having been the property at the time of his death of said Moses Chinmark, deceased and now under administration in his estate. Also any and all other real estate (if any) in said Alameda County or elsewhere in the State of California, belonging to the estate of said Moses Chinmark, deceased. The said Betsey Sortor, Harriet M. Gardner, Julia A. Gates and Hezekiah Avery being heirs-at-law of said deceased and it being the intention of each of them to fully convey to and vest in second party heirs and assigns, their respective interests and distributive shares in the real estate of said Moses Chinmark deceased situated in the State of California.

Betsey Sorter (Seal)

Harry Sorter (Seal)

Hariet M. Gardner (Seal)

Julia A. Gates (Seal)

William H. Gates (Seal)

Warren Gardner (Seal)

Witnesses, C. M. Capp,

J. M. Odell,

F. H. Currier.

Acknowledged July 20, 1880
by all the parties signing
before C. M. Copp, N. P.
Cuyahoga County
State of Ohio

Certificate by William F. Hinman, Clerk of the Court of Common Pleas, a Court of record of Cuyahoga County, that C. M. Copp, before whom the annexed acknowledgment was taken was, at the date thereof, a Notary Public in and for said County.

Recorded July 22, 1882
in Liber 236 of Deeds, 294

Nelson Moses,
Charles W. Moses,
A. L. Moses and
Mary E. Moses, his wife
Carrie A. Walworth &
W. F. Walworth, her husband
Betsy Currier and
James R. Currier, her husband
I. H. Moses and
Mary A. Moses, his wife
Carrie M. Moses &
Ella L. Mosses
Mattie A. Warren &
O. H. Warren, her husband
— To —
Luther Moses

Deed

Dated July 20, 1880

Consideration $1000.

Do grant, bargain, sell &c. all the right, title, interest, estate, claim and demand both at law and in equity and as well in possession as in expectancy of the said parties

of the first part in and to those parcels of land situate in the Township of Washington, County of Alameda, State of California, bounded and particularly described as follows, to wit:

[here follows particular description same as in the Decree in Liber 242 of Deeds, 341 shown at page 173 hereof]

Containing 30 acres, more or less, and forming a portion of the Rancho de los Ceritos and being the premises conveyed to Moses Chinmark by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19 1872 and recorded in the office of the County Recorder of said County in Liber 88 of Deeds pages 159 & 160.

Also [here follows particular description same as in the Decree in Liber 242 of Deeds 341 shown at page 173 hereof] Containing 97 85/100 acres. Courses from the true meridian run by a magnetic variation of 15° 40' East, ~~three magnetic variation 16° 10' East~~, true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by J. C. Hopkins, County Surveyor of Alameda County, known as Survey No.

635 and now remaining of record in the office of the County Surveyor of said County: being the premises conveyed to Moses Chinmark by deed of Peter S. Campbell and Christy Campbell, dated April 3. 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pages 96 & 97

The real estate hereinabove described having been the property at the time of his death of said Moses Chinmark, deceased, and now under Administration in his estate.

Also any and all other real estate (if any) in said Alameda County or elsewhere in the State of California belonging to the Estate of said Moses Chinmark, deceased.

The said Nelson Moses, Charles W. Moses, A. L. Moses, Carrie A. Walworth, Betsy Currier, I. H. Moses, Mary A. Moses, Ella Moses & Mattie Warren, being heirs at law of said deceased, and it being the intention of each of them hereby to fully convey to and vest in Second party, heirs and assigns forever, their respective interests and distributive shares in the real estate of said Moses Chinmark, deceased, situated in the State of California.

Nelson Moses (Seal)

Chas. W. Moses (seal)

A. L. Moses (seal)

Mary E. Moses (seal)

Carrie A. Walworth (seal)

W. F. Walworth (seal)

Betsey Currier (seal)

James R. Currier (seal)

I. H. Moses (seal)

Mary A. Moses (seal)

Carrie M. Moses (seal)

Ella D. Moses (seal)

Mattie A. Warren (seal)

O. H. Warren (seal)

Witnesses:

C. M. Copp

J. M. Odell

F. H. Currier

Acknowledged July 20, 1880

by Nelson Moses, Chas. W. Moses

A. L. Moses, Mary E. Moses,

Betsey Currier, James R. Currier,

I. H. Moses, Mary A. Moses,

Carrie Moses & Ella Moses

[Carrie Moses & Ella Moses in the

form prescribed for femme sole]

before C. M. Copp, N. P.

Cuyahoga County
State of Ohio
— and —
on February 28, 1881
by Carrie A. Walworth, Mattie
A. Warren, O. H. Warren and
W. F. Walworth
before Lawrence W. Meyers, N.P.
Onondaga County
State of New York

Certificate of William Cowie, County
Clerk of Onondaga County, State of
New York, dated February 28, 1881,
that Lawrence W. Meyers, whose name
is subscribed to the above Certificate
of Acknowledgment, was, at the date
thereof, a Notary Public

Recorded July 22, 1882
in Liber 240 of Deeds, 140

Philo P. Munson,
Ira Munson
George N. Munson
Luther D. Munson
Robert M. Munson
Arvilla Kellogg and
J. C. Kellogg,
her husband
Ardelissa Meunier and
Charles Meunier,
her husband.
To
Luther Moses

Deed

Dated Dec. 4, 1880.

Consideration $1000.00

Do grant, bargain, sell, convey, remise, release and forever quit claim unto second party, heirs and assigns those lots, pieces or parcels of land situate in the Township of Washington, County of Alameda, State of California and bounded and particularly as follows, to wit: [here follows particular description same as in the Decree

in Liber 242 of Deeds, 341, shown at p 173 hereof.]
Containing 30 acres of land more or less and forming a portion of the "Rancho de los Ceritos" and being the premises conveyed to Moses Chinmark by deed of Daniel Scanlin and Ann Scanlin his wife, dated December 19, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds pp 159 and 160.

Also [here follows particular description same as in the Decree in Liber 242 of Deeds, 341 shown at page 173 hereof.]
Containing 97 $\frac{85}{100}$ acres, Courses from the true meridian run by a magnetic variation of 15°40' East, true magnetic variation 16°10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by T. O. Hopkins, County Surveyor of Alameda County known as survey No 635 and now remaining of record in the office of the County Surveyor of said County. Being the premises conveyed to Moses Chinmark by deed of Peter S. Campbell and Christy Campbell his wife dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of deeds

pp 96 and 97. The real estate hereinafter des-
-cribed having been the property at the time of
his death of said Moses Chinmark, deceased
and now under administration in his estate.
Also any and all other real estate (if any)
in said Alameda County or elsewhere in
the State of California belonging to the estate
of said Moses Chinmark, deceased. The
said Philo P. Munson, Ira Munson, George
W. Munson, Luther D. Munson, Arvilla
Kellogg and Ardelissa Mennier being heirs
at law of said deceased it being the inten-
-tion of each of them hereby to fully convey
and vest in second party, heirs and assigns
their respective interests and distributive
shares in the real estate of said Moses
Chinmark, deceased situated in said State
of California.

Ira Munson (Seal)
Elizabeth Munson (Seal)
George A. Munson (Seal)
Julia A. Munson (Seal)
Robert M. Munson (Seal)
Georgiana A. Munson (Seal)
Arderlissa B. Mennier (Seal)
Chas. Mennier (Seal)
P. C. Munson (Seal)

M. E. Munson (Seal)

Francis A. Munson (Seal)

L. D. Munson (Seal)

Arvile Kellogg (Seal)

J. C. Kellogg (Seal)

Acknowledged January 7, 1881

["Before me" &c. "personally came Frances A. Munson & Luther D. Munson who acknowledged the execution of the annexed instrument"] before Nathaniel S. Page, N.P. La Porte County State of Indiana

— and —

on December 22, 1880 [defective as to wife being in the form prescribed for a femme sole] by P. C. Munson & M. E. Munson before W. H. True, N. P. Pottawatomie County State of Kansas

— and —

on January 26, 1881 [defective as to wife being in the form prescribed for a femme sole]

by Arvila Kellogg & James C. Kellogg
before Lastie Broussard,
Clerk of the District Court
and ex-officio N. P.
Parish of Vermilion
State of Louisiana
— and —
on December 4, 1880
[does not certify that the contents
were made known to the wives
and that they did not wish to
retract execution]
by Ira Munson & Elizabeth, his wife,
George N. Munson & Julia A., his wife,
Robert M. Munson & Georgeann, his wife,
Ardilissa Mennier & Charles, her husband
before W. W. Snyder, N. P.
Daviess County
State of Missouri

Recorded July 22, 1882
in Liber 236 of Deeds, 298

Luther D. Munson

To

Luther Moses

Deed

Dated August 2, 1882.

Consideration $5.00

Does remise, release and forever quit claim unto second party heirs and assigns all those lots, pieces or parcels of land, situate in the Township of Washington, County of Alameda, State of California and bounded and particularly described as follows, to wit:
[here follows particular description same as in the Deed in Liber 242 of Deeds, ~~341~~, shown at p. 173 hereof.]
Containing 30 acres of land more or less and forming a portion of the "Rancho de los Ceritos" and being the premises conveyed to Moses Chinmark by deed by Daniel Scanlin and Ann Scanlin his wife, dated December 19, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds pp. 159 and 160.
Also [here follows particular description same

as in the Decree in Liber 242 of Deeds, 341
shown at p.173 hereof saving that "Herr" is written herein "Kerr".]
Containing $97\frac{85}{100}$ acres. Courses from the true meridian run by a magnetic variation 15° 40' East true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by T. O. Hopkins, County Surveyor of Alameda County, known as survey No 635 and now remaining of record in the office of the County Surveyor of said County. Being the premises conveyed to Moses Chinmark by Deed of Peter S. Campbell and Christy Campbell his wife, dated April 3, 1872 and recorded in the Office of the County Recorder of said Alameda County in Liber 78 of Deeds pp. 96 and 97. The real estate herein above described having been the property at the time of his death of said Moses Chinmark, deceased, and now under administration in his estate. Also any and all other real estate (if any) in said Alameda County or elsewhere in the State of California belonging to the estate of said Moses Chinmark, deceased. Said Luther D. Munson being a son and heir of Roscana Munson deceased who was an heir of said Moses Chinmark, deceased, it

being the intention of this conveyance to ratify a defectively acknowledged deed dated Dec. 4, 1880 heretofore executed by first party and others to second party and to fully vest in second party all share and interest of first party in said premises however devised.

Luther D. Munson (seal)

Witness, A. J. Lord

Acknowledged August 2, 1882.

before C. H. Wilson, N. P.

City and County of La Porte

State of Indiana.

Recorded Nov. 23, 1882.

in Liber 242 of Deeds page 335.

✓ Ira Munson
✓ Ardelissa B. Mennier and
✓ Charles Mennier,
her husband

— To —

Luther Moses

Deed

Dated August 17, 1882.

Consideration $5.00

Do remise, release and forever quit claim unto second party heirs and assigns those lots, pieces or parcels of land situate in the Township of Washington, County of Alameda, State of California and bounded and particularly described as follows, to wit: [here follows particular description same as in the Decree in Liber 242 of Deeds, 341, shown at page 173 hereof.] Containing 30 acres of land more or less and forming a portion of the "Rancho de los Ceritos" and being the premises conveyed to Moses Chinmark by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19, 1872 and recorded in the office of the County Recorder

of said Alameda County in Liber 88 of Deeds pp. 159 and 160.

Also [here follows particular description same as in the Decree in Liber 242 of Deeds, 341, shown at p. 173 hereof, saving that "Herr" is written herein "Kerr"] Containing 97 85/100 acres, courses from the true meridian run by a magnetic variation of 15°40' East, true magnetic variation 16°10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by J. O. Hopkins, County Surveyor of Alameda County, known as survey No 635 and now remaining of record in the office of the County Surveyor of said County. Being the premises conveyed to Moses Chinmark by deed of Peter S. Campbell and Christy Campbell his wife dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pp. 96 and 97. The real estate herein above described having been the property at the time of his death of said Moses Chinmark, deceased now under administration in his estate. Also any and all other real estate (if any) in said Alameda County or elsewhere in the State of California belonging to the estate of said Moses Chinmark, deceased.

Said Ira Munson and Ardelissa Mennier being heirs of Roxana Munson a deceased heir of said Moses Chinmark and being also purchase of Charles B. Munson husband of said Roxana. This deed is given to correct defects in a former conveyance and fully to vest in said party of the second part all the title and shares of first parties in the premises however devised

Ira Munson (Seal)

Ardelissa B. Mennier (Seal)

Charles Mennier (Seal)

Witnesses,

W. E. Kelly

J. J. Barnes.

Acknowledged August 17, 1882

by Ira Munson

before Adams Ballinger, N. P.

Daviess County

State of Missouri

— and —

on August 22, 1882

by Charles Mennier & Ardelissa B. Mennier

before J. J. Barnes, J. P.

Cuyahoga County

State of Ohio

Certificate dated September 4, 1882, that J. J. Barnes, before whom the annexed acknowledgments were taken, was at the date thereof a Justice of the Peace for said County

by Henry W. Kitchen, Clerk of
the Court of Common Pleas,
a Court of Record of
Cuyahoga County
State of Ohio.

Recorded November 23, 1882
in Liber 242 of Deeds, 337

Mary A. Moses (Widow)
Essx Butters
Hezekiah Avery
— To —
Luther Moses

Deed.

Dated September 19, 1882.

Consideration $500.00

Do remise, release and forever quitclaim unto second party all those certain lots, pieces or parcels of land situated in the Township of Washington, County of Alameda, State of California and bounded and particularly described as follows, to wit: [here follows particular description same as in the Decree in Liber 242 of Deeds, 341. shown at p 173 hereof, saving that "Herr" is herein written "Kerr"] Containing 97 85/100 acres. Courses from the true meridian run by a magnetic variation of 15° 40' East true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by T. O. Hopkins, County

Surveyor of Alameda County known as Survey No 635 and now remaining of record in the office of the County Surveyor of said County. Being the same land conveyed to Moses Chinmark deceased by Deed of Peter J. Campbell and Christy Campbell his wife dated April 3, 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pp. 96 and 97.

Also, [here follows particular description same as in the Decree in Liber 242 of Deeds 341, shown at p. 173 hereof saving that the lands owned by John Welch are said to have been so owned "on or before December 1872"]

Containing 30 acres of land more or less and forming a portion of the "Rancho de los Ceritos", and being the same land conveyed to said Moses Chinmark deceased by Deed of David Scanlin and Ann Scanlin, his wife dated December 19, 1872 and recorded in the Office of the County Recorder of said Alameda County in Liber 88 of Deeds pp. 159 and 160. And also any other real estate situated in the said State of California which belonged to said Moses Chinmark at the time of his death or has been acquired by his estate. The said Mary A. Moses, being the widow of Charles Moses a deceased heir of said Moses Chinmark deceased and intending hereby to convey to said party of the second

part his heirs and assigns all her right, title, interest, estate and distributive share derived through her said husband. The said Essa Butters being the sole surviving child of Celia Butters a deceased heir of said Moses Chinmark, deceased and conveying hereby all her right, title, interest, estate and distributive share derived through her said mother in and to the above described premises and said Hezekiah Avery, being one of the heirs of said Moses Chinmark, deceased and conveying hereby all his right, title, interest, estate and distributive share as such heir in and to said premises.

Mary A. Moses (Seal)

Essa Butters (Seal)

Hezekiah Avery (Seal)

Witnesses

M. J. Stockman,

E. H. Green,

Samuel W. Howe,

C. W. Capp.

H. E. Avery,

Acknowledged September 22, 1882

by Mary A. Moses, widow

before C. W. Copp, N. P.

Cuyahoga County

State of Ohio

Acknowledged October 14, 1882

by Hezekiah Avery

before C. W. Copp, N. P.

Cuyahoga County

State of Ohio

— and —

on September 19, 1882

[in the form prescribed for a femme sole]

by Essa Butters

before E. H. Green, N. P.

County of Charlevoix

State of Michigan

Recorded November 23, 1882

in Liber 242 of Deeds, 331

Arvilla Kellogg and
J. C. Kellogg, her husband.
— To —
Luther Moses

Deed

Dated November 7. 1887

Consideration $5.

Do remise, release & quitclaim land in the Township of Washington, County of Alameda, State of California, bounded and described as follows, towit:

[here follows particular description same as in the Decree in Liber 242 of Deeds, 341, shown at page 173 hereof.]

Containing 30 acres of land, more or less, and forming a portion of the "Rancho de los Ceritos" and being the premises conveyed to Moses Chinmark by deed of Daniel Scanlin and Ann Scanlin, his wife, dated December 19. 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 88 of Deeds pages 159 & 160

Also [here follows particular description same as in the Decree in Liber 242 of Deeds, 341, shown at page 173 hereof] Containing 97 $\frac{85}{100}$ acres. Courses from the true meridian run by a magnetic variation of 15° 40' East, true magnetic variation 16° 10' East. For a further and more particular description of said tract reference is hereby made to a certain plat of survey with field notes attached made by T. O. Hopkins, County Surveyor, known as Survey No 635. and now remaining of record in the office of the County Surveyor of said County. Being the premises conveyed to Moses Chinmark by deed of Peter S. Campbell and Christy Campbell, his wife, dated April 3. 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds pages 96 & 97.

The real estate hereinabove described having been the property at the time of his death of said Moses Chinmark, deceased and now under Administration in his Estate. Also any and all other real estate (if any) in said Alameda County or elsewhere in the State of California

belonging to the Estate of said Moses Chinmark, deceased. Said Arvilla Kellogg being a daughter and heir of Roxanna Munson, deceased, who was an heir of said Moses Chinmark, deceased, and it being the intention of this Conveyance to ratify & confirm a defectively acknowledged deed dated December 4, 1880 heretofore executed by said Arvilla Kellogg & others to second party and fully to vest in him all her share and interest in said premises howsoever derived.

Arvilla Kellogg (Seal)
J. C. Kellogg (Seal)

Witnesses:
Geo. W. Summers
Martin Van Lampman

Acknowledged November 7. 1882
before Lastie Broussard
Clerk of the District Court
for the Parish of Vermilion
Louisiana

Recorded December 11. 1882
in Liber 248 of Deeds, 62

This and the preceding two hundred & eighty two pages appertain to an Abstract of Title relating to two tracts respectively containing 97 85/100 acres and 30 acres; being portions of the Rancho Potrero de los Cerritos. whereof a Table of Contents subscribed by me is hereunto annexed

State & County Taxes

For the fiscal years from 1862.3 to 1882.3 (both years inclusive) have been paid.

Judgment Liens

(nil)

Oakland the twenty fifth day of January A.D. one thousand eight hundred & eighty three, at five oclock, P.M.

G. W. McKeand
Searcher of Records.



G. W. McKEAND,
Searcher of Records,
S. E. Cor. 4th & Broadway Sts.
OAKLAND, CAL.

Continuation.

of the preceding

Abstract of Title,

to

Two Tracts respectively containing $95\frac{27}{100}$ acres and 30 acres portions of the Rancho Potrero de los Cerritos

Subsequently to

January 25. 1883.

by

G. W. McKeand.



Table of Contents.

Oakland: the sixth day of December A.D. one thousand eight hundred and eighty seven at five o'clock. P.M.



G. W. McKeand

Searcher of Records.

Rec McKeand Dec 9 $10 for this Continuation to be Collected by The Oakland Bank of Savgs

Peter J. Campbell and
Christy Campbell his wife
To
Moses Chinmark

Deed

Dated April 3. 1872

Consideration $15000

Do grant bargain sell &c land in Washington Township, County of Alameda, bounded and described as follows to wit: [here follows description substantially the same as in the record in Liber 78 Deeds 96 shown at page 137 ante except that the name of Andrew Kerr appears in place of Andrew Herr]

Peter J. Campbell (seal)
Christy Campbell (seal)

Witness.
Geo W. Bond

Acknowledged April 3. 1872
before Geo W. Bond J.P.
Alameda County

[over]

Recorded April 4. 1872

in Liber 78 Deeds 96

Re Recorded January 30. 1883

in Liber 249 Deeds 99

C.

Luther Moses and
Eliza A. Moses
Spinster
To
Joseph McKeown

Deed

Dated January 11. 1883

Consideration $15000.

Do grant, bargain sell &c land in the Township of Washington, County of Alameda State of California bounded and described as follows to wit; First commencing for the same at a point on the South Westerly line of the County Road leading from the Town of Alvarado to the Mission of San Jose said point being the North corner of a tract of land owned and occupied on or before the third day of April A.D. 1872 by Andrew Kerr and being the East corner of the tract intended to be herein conveyed running thence South 34° 23' West 59 15/100 ~~chains thence~~ South 55° 37' East 4 25/100 chains thence South 34° 23' West 20 79/100 chains thence North 55° 37' West 23 46/100 chains thence North 34° 23' East 39 84/100 chains thence South 55° 37' East 16 8/100 chains thence North 34° 23' East 40 chains thence South 55° 37' East 3 13/100 chains to the place of beginning and containing 97 85/100 acres

courses from the true meridian run by a magnetic variation of 15° 40' East true magnetic variation 16° 10' East for a further and more particular description of said tract reference is hereby made to a certain plot of survey with field notes attached made by T. O. Hopkins County Surveyor of Alameda County known as survey No 635 and now remaining of record in the Office of the County surveyor of said County being the same land conveyed to Moses Chinmark late of the City and County of San Francisco State of California deceased by deed of Peter J. Campbell and Christy Campbell his wife dated April 3. 1872 and recorded in the office of the County Recorder of said Alameda County in Liber 78 of Deeds at pages 96 and 97. Second; Commencing at the most Westerly corner of the lands owned on or before December A. D. 1872 by John Welsh which was heretofore conveyed by H. P. Jones to said Welsh thence running Easterly along the Southerly line of said Welsh's land 60 rods to the Westerly line of lands of Hiram Davis thence at right angles Southerly along the Westerly line of lands of said Davis 84 rods thence at right angles Westerly 60 rods to a point, thence at right angles Northerly 84 rods to the place of beginning containing 30 acres of land more or less and forming a portion of the Rancho de los Cerritos and being the same land conveyed to said Moses Chinmark deceased by deed of Daniel Scanlin and Ann

Scanlin his wife Dated December 19th 1872 and recorded in the Office of the County Recorder of said Alameda County in Liber 88 of Deeds at pages 159 and 160 and also any other or further Real Estate or interest in Real Estate situated in said Alameda County State of California derived to said parties of the first part from the estate of said Moses Chinmark deceased or from the estates of Roxanna Munson late of Dairess County State of Missouri deceased or Charles Moses late of said Cuyahoga County Ohio deceased

Luther Moses [seal]
Georgiana Moses [seal]
Eliza A. Moses [seal]

Witness: J. R. Curries as to
Luther Moses and
C. M. Copp Georgiana Moses his wife
M R. Blake as to Eliza A. Moses

Acknowledged January 11. 1883
(by Luther Moses and also by his wife
Georgiana Moses)
before C. M. Copp N. P
Cuyahoga County Ohio.

[over]

Acknowledged January 19. 1883

[by Eliza A Moses Spinster]

before J. H. Blood N. P.

City and County of San Francisco.

Recorded January 30. 1883

in Liber 249 Deeds 96

Joseph McKeown
To
The Oakland Bank of Savings
a Corporation.

Mortgage

Dated January 30. 1883

Covering land in the Township of Washington County of Alameda State of California and bounded and described as follows to wit. First commencing at the North Eastern corner of the 160 acre tract described in the Deed from W. C. Jones et al to H. C. Smith bearing date September 2. 1852 of record in Liber E of Deeds at page 113 et seq in the County Recorders office of Santa Clara County and running thence South 55° 37' East along the Southern line of the road from Alvarado to the Mission San Jose three chains and thirty three and one third links thence South 34°. 23' West fifty nine chains thirty six links thence South 55° 37' East four chains sixteen and two third links thence South 34° 23' West twenty chains sixty four links to the Southern line of the one mile square tract purchased by Jones Tompkins and Strode from A. Alviso and Thomas Pacheco thence North 55° 37' West along the Southern line of the said Tract twenty two chains and fifty links thence North

34° 23' East forty chains thence South 55° 37' East fifteen chains and thence North 34° 23' East forty chains to the place of beginning containing 95 27/100 acres. Second, commencing at the most Westerly corner of the parcel of land described in the Deed from H. P. Jones to John Walsh bearing date July 27. 1860 of record in Liber J of Deeds at page 436 et seq in the County Recorder's office of said Alameda County and running thence Easterly along the Southern line of said tract fifteen chains to the Western line of the lands now or formerly of Hiram Davis thence at a right angle Southerly along the said lands twenty one chains thence at a right angle Westerly fifteen chains and thence at a right angle Northerly twenty one chains to the place of beginning containing 30 acres more or less. The aforesaid two tracts being portions of the Rancho Portrero de los Cerritos saving and excepting from the tract firstly hereinbefore described a strip of land 60 feet wide extending from the Northern to the Southern line thereof being on the line now traversed by the Bay and Coast Railroad.

To secure the payment of $8000 (eight thousand) dollars and interest according to the terms of a certain promissory note of even date herewith made by the mortgagor to the mortgagee and also as security for all further indebtedness of the mortgagor to the mortgagee for advances made by the mortgagee to the mortgagor in his behalf upon the premises herein described not to exceed $4000 exclusive of

interest on such advances.

Joseph McKeown (seal)

Witness:

J. W. Cuthbert

Acknowledged January 30. 1883

before W. W. Blow. N.P.

Alameda County.

Recorded January 30. 1883.

in Liber 198 Mortgages 198

The Oakland Bank of Savings
A. Corporation

— Resolution —

Resolved, That the President and Secretary of The Oakland Bank of Savings. A Corporation organized, existing and doing business under the laws of the State of California and having its principal office and place of business in the City of Oakland County of Alameda, State of California, are hereby authorized on receipt of satisfactory payments to execute on behalf of said Corporation partial and full release of Mortgages owned or held by said Bank

I hereby certify that the foregoing is a true Copy of Resolution adopted by the Board of Directors of The Oakland Bank of Savings at a regular meeting held on December 7th A. D. 1885, a quorum being present.

(Corporate Seal) W. W. Garthwaite Secretary of The Oakland Bank of Savings

Acknowledged December 12, 1885
before Will H. Burrall N.P.
Alameda County

Recorded December 15, 1885
in Liber F of Miscellaneous 115

Appertaining to a Continuation Abstract of Title under date December 6. 1887 by G. W. McKeand relating to two tracts respectively containing 97 87/100 acres and 30 acres portions of the Rancho Porkero de los Cerritos

State and County Taxes

For the fiscal years from 1883-4 to 1886-7 both years inclusive have been paid

For the fiscal year of 1887-8 are now receivable as follows

On Real Estate assessed to J. W. McKeown $42.90

On Mortgage assessed to The O. Bk. of Savgs. $104.

Judgment Liens

Nil.

For date and signature see subscription to Table of Contents at page 287 hereof



